

## **EXHIBIT 7**

Phoebe Lett  
May 04, 2020

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 - - - - -x

5 SARAH PALIN,

No. 17-cv-4853

6 Plaintiff,

7 v.

8 THE NEW YORK TIMES COMPANY and  
9 JAMES BENNET,

10 Defendants.

11 - - - - -x

12 Remote videotaped deposition of PHOEBE  
13 LETT, taken pursuant to Subpoena, was held via  
14 videoconference, commencing May 4, 2020, at  
15 10:02 a.m., on the above date, before Amanda  
16 McCredo, a Court Reporter and Notary Public in the  
17 State of New York.

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4	SHANE B. VOGT, ESQ.			4	Exhibit 26		92
5	BAJO CUVA COHEN TURKEL			5	Exhibit 27		95
6	100 North Tampa Street			6	Exhibit 28		95
7	Suite 1900			7	Exhibit 29		96
8	Tampa, Florida 33602			8	Exhibit 30		100
9	svogt@bajocuva.com			9	Exhibit 32		101
10	(813)443-2199			10	Exhibit 33		103
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12	DAVID L. AXELROD, ESQ.			12	Exhibit 37A		110
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6 to 9

<p style="text-align: right;">Page 6</p> <p>1</p> <p>2 THE VIDEOGRAPHER: We're now on the record.</p> <p>3 Participants should be aware that this</p> <p>4 proceeding is being recorded. And as such, all</p> <p>5 conversations held will be recorded unless</p> <p>6 there is a request and agreement to go off the</p> <p>7 record. Private conversations and/or</p> <p>8 attorney-client interactions should be held</p> <p>9 outside the presence of the remote interface.</p> <p>10 A link to the recording will be available</p> <p>11 to all parties to the case for up to 90 days</p> <p>12 from today's date provided the requesting party</p> <p>13 has purchased a certified copy of the</p> <p>14 transcript.</p> <p>15 This is the remote-recorded deposition of</p> <p>16 Phoebe Lett. Today is Monday, the 4th day of</p> <p>17 May 2020. The time is now 10:02 a.m. in the</p> <p>18 Eastern Time Zone.</p> <p>19 We're here in the matter of Sarah Palin</p> <p>20 versus The New York Times Company. My name is</p> <p>21 Jim Soto, remote video technician on behalf of</p> <p>22 U.S. Legal Support. I'm not related to any</p> <p>23 party in this action, nor am I financially</p> <p>24 interested in the outcome.</p> <p>25 At this time, will the reporter, Amanda</p>	<p style="text-align: right;">Page 8</p> <p>1 P. Lett</p> <p>2 PHOEBE LETT, the witness herein, after having been</p> <p>3 first duly sworn by a Notary Public of the</p> <p>4 State of New York, was examined and</p> <p>5 testified as follows:</p> <p>6 EXAMINATION BY</p> <p>7 MR. VOGT:</p> <p>8 Q Good morning.</p> <p>9 Can you please state your full name for us?</p> <p>10 A Phoebe Ann Lett.</p> <p>11 Q And where do you live?</p> <p>12 A I live in Bed-Stuy -- Bedford-Stuyvesant,</p> <p>13 Brooklyn.</p> <p>14 Q Have you ever been deposed before?</p> <p>15 A I have not.</p> <p>16 Q Okay.</p> <p>17 I'll go through, first, some of the ground</p> <p>18 rules, so hopefully we can get through today as</p> <p>19 quickly as possible.</p> <p>20 Obviously we're doing this remotely, so</p> <p>21 there will be some lags at times and probably some</p> <p>22 technical issues, but I'll do my best to keep those</p> <p>23 to a minimum. And just for everybody's purposes,</p> <p>24 obviously we're all sitting at home right now. I</p> <p>25 have kids and dogs, who are going to make noise at</p>
<p style="text-align: right;">Page 7</p> <p>1</p> <p>2 McCredo, on behalf of U.S. Legal Support,</p> <p>3 please enter the statement for remote</p> <p>4 proceedings into the record.</p> <p>5 THE COURT REPORTER: The attorneys</p> <p>6 participating in this deposition acknowledge</p> <p>7 that I am not physically present in the</p> <p>8 deposition room and that I will be reporting</p> <p>9 this deposition remotely. They further</p> <p>10 acknowledge that, in lieu of an oath</p> <p>11 administered in person, I will administer the</p> <p>12 oath remotely, pursuant to Executive Order</p> <p>13 Number 202.7 issued by Governor Cuomo on</p> <p>14 March 19, 2020. The parties and their counsel</p> <p>15 consent to this arrangement and waive any</p> <p>16 objections to this manner of reporting.</p> <p>17 Please indicate your agreement by stating</p> <p>18 your name and your agreement on the record.</p> <p>19 MR. VOGT: This is Shane Vogt, counsel for</p> <p>20 the plaintiff, and we agree.</p> <p>21 MR. AXELROD: And this is David Axelrod,</p> <p>22 counsel for defendants, The New York Times and</p> <p>23 James Bennet, and we agree.</p> <p>24 THE COURT REPORTER: Please raise your</p> <p>25 right hand.</p>	<p style="text-align: right;">Page 9</p> <p>1 P. Lett</p> <p>2 some point; I apologize in advance. If they</p> <p>3 interrupt to the point where you can't hear anything</p> <p>4 or you need me to repeat anything, just let me know.</p> <p>5 Okay?</p> <p>6 A (No verbal response.)</p> <p>7 Q I'm also -- during the course of your</p> <p>8 deposition, I'm going to use exhibits. I'll be</p> <p>9 uploading those electronically as we go through the</p> <p>10 chat feature on Zoom. Just let me know when you</p> <p>11 receive them, if there's any problems with them,</p> <p>12 anything like that, and I'll try to get that taken</p> <p>13 care of.</p> <p>14 I'm going to introduce some of the exhibits</p> <p>15 by letter that will be very specific to you; and</p> <p>16 then others I'm going to do by number, because we're</p> <p>17 probably going to -- I'm going to keep a running set</p> <p>18 for the whole case. And so, we may jump around.</p> <p>19 Don't be alarmed if I, you know, skip numbers or</p> <p>20 anything like that. It's just because I may not</p> <p>21 need to use something based on your testimony.</p> <p>22 Okay?</p> <p>23 A (No verbal response.)</p> <p>24 Q It's important today, just listen carefully</p> <p>25 to the questions I ask you. Let me finish the</p>

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10 to 13

<p style="text-align: right;">Page 10</p> <p>1 P. Lett</p> <p>2 question before you answer. It may not be a huge</p> <p>3 problem because, obviously, we're doing this by</p> <p>4 video so it takes a little while, but you're going</p> <p>5 to want to wait until I finish my question for a</p> <p>6 couple of reasons.</p> <p>7 One is Amanda is taking everything down, so</p> <p>8 we can't be talking over each other. And the other</p> <p>9 reason is you want to give Mr. Axelrod time to</p> <p>10 object to a question that I ask you. Unless he</p> <p>11 instructs you not to answer a question because of a</p> <p>12 privilege or something like that, just let him</p> <p>13 finish his objection. If he objects to the form,</p> <p>14 then you can go ahead and answer.</p> <p>15 Okay?</p> <p>16 A (No verbal response.)</p> <p>17 Q It's also important that you give verbal</p> <p>18 responses. No head nods, uh-huhs, uh-uhs, things</p> <p>19 like that, because it's difficult for Amanda to take</p> <p>20 those things down.</p> <p>21 Okay?</p> <p>22 A (No verbal response.)</p> <p>23 Q If I ask you a question that is confusing,</p> <p>24 if you don't understand it for any reason, if it</p> <p>25 doesn't make sense, please speak up and let me know.</p>	<p style="text-align: right;">Page 12</p> <p>1 P. Lett</p> <p>2 Q Does she have a title?</p> <p>3 A I believe she's the managing editor of</p> <p>4 Audio and Opinion. She started last month, so she's</p> <p>5 new.</p> <p>6 Q Okay.</p> <p>7 Did you do anything to prepare for your</p> <p>8 deposition today?</p> <p>9 A I just met with the -- my law team at</p> <p>10 Miller's.</p> <p>11 Q Did you speak with anyone else other than</p> <p>12 lawyers about your deposition?</p> <p>13 A I told my partner he shouldn't come in</p> <p>14 until 2:00 p.m.</p> <p>15 Q Okay.</p> <p>16 Have you spoken with anybody else at The</p> <p>17 Times, not lawyers at The Times, but anybody else at</p> <p>18 The Times about your deposition?</p> <p>19 A No.</p> <p>20 Q Have you had any conversations with anyone</p> <p>21 at The Times other than lawyers about this lawsuit?</p> <p>22 A No.</p> <p>23 Q All right.</p> <p>24 And I'm going to talk a little bit about</p> <p>25 just your general background, and I'm going to start</p>
<p style="text-align: right;">Page 11</p> <p>1 P. Lett</p> <p>2 The caveat to that is if you just answer a question,</p> <p>3 I'm going to assume that you understood what I was</p> <p>4 asking you and didn't have any problems with the</p> <p>5 question.</p> <p>6 Okay?</p> <p>7 A (No verbal response.)</p> <p>8 Q And if you need to take a break for any</p> <p>9 reason, just let me know. We'll probably take a</p> <p>10 couple. It helps me get reorganized and everybody,</p> <p>11 I think, needs to take a break from staring at a</p> <p>12 screen for this long.</p> <p>13 So we'll go ahead and get started and</p> <p>14 hopefully this will go smoothly.</p> <p>15 So where do you currently work?</p> <p>16 A I work at The New York Times.</p> <p>17 Q And what's your position there?</p> <p>18 A I am an audio producer in the Opinion</p> <p>19 department.</p> <p>20 Q And what is that? What do you do?</p> <p>21 A I make podcasts.</p> <p>22 Q And how long have you been doing that?</p> <p>23 A Since November of 2019.</p> <p>24 Q And who is your current supervisor?</p> <p>25 A My supervisor is Paula Szuchman.</p>	<p style="text-align: right;">Page 13</p> <p>1 P. Lett</p> <p>2 with your educational background.</p> <p>3 But my understanding is you first attended</p> <p>4 college at Villanova; is that right?</p> <p>5 A Yes.</p> <p>6 Q And that was from 2009 to 2011?</p> <p>7 A Correct.</p> <p>8 Q And what subject areas did you study at</p> <p>9 Villanova?</p> <p>10 A I studied political science and English.</p> <p>11 Q And were you a member of any societies or</p> <p>12 groups while you were at Villanova?</p> <p>13 A No. I was on the school newspaper.</p> <p>14 Q Okay.</p> <p>15 Let me -- again, I'm not trying to trick</p> <p>16 you, I'm just -- some of these questions I just ask</p> <p>17 before I go straight to documents.</p> <p>18 But let me show you what we're going to</p> <p>19 mark as Exhibit A. Hopefully that popped up. It</p> <p>20 should be a copy of your LinkedIn.</p> <p>21 (LinkedIn profile of Phoebe Lett</p> <p>22 was marked as Lett A for</p> <p>23 identification, as of this</p> <p>24 date.)</p> <p>25 A I see it.</p>

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14 to 17

<p style="text-align: right;">Page 14</p> <p>1 P. Lett</p> <p>2 Q Have you got that?</p> <p>3 A I do.</p> <p>4 Q Okay.</p> <p>5 I'm just going to go through this with you.</p> <p>6 Some of these things -- and I'm not going to go over</p> <p>7 everything in detail, but I just want to talk about</p> <p>8 a couple of them.</p> <p>9 If you turn to -- or, actually, scroll to</p> <p>10 the fourth page of the exhibit, it should have your</p> <p>11 Villanova time listed there.</p> <p>12 A Uh-huh. Oh, I was also in the Gay-Straight</p> <p>13 Coalition. That makes sense.</p> <p>14 Q You've also got listed there the Villanova</p> <p>15 Democrats.</p> <p>16 A Uh-huh.</p> <p>17 Q What's that?</p> <p>18 A As a 17-year-old, I was very politically</p> <p>19 ignited in 2007 and 2008, but I couldn't vote. And</p> <p>20 so, my interest in being a political science major</p> <p>21 was led by an idea that I would want a career in</p> <p>22 political speechwriting. And so, I was educating</p> <p>23 myself politically.</p> <p>24 Q And what ignited you in 2007 into the</p> <p>25 political arena?</p>	<p style="text-align: right;">Page 16</p> <p>1 P. Lett</p> <p>2 Q Why did you transfer to Georgetown?</p> <p>3 A I didn't have any friends and was getting a</p> <p>4 4.0 at Villanova. And so, I was told usually the</p> <p>5 social part or the academic part satisfies people</p> <p>6 for the four years, and I was satisfied with</p> <p>7 neither, so I transferred.</p> <p>8 Q And then when you transferred to</p> <p>9 Georgetown, did you keep the same majors?</p> <p>10 A Well, at Georgetown, there's so many</p> <p>11 different kinds of government majors, they don't</p> <p>12 call it political science, but the equivalent was</p> <p>13 government, which is what I majored in.</p> <p>14 Q Okay.</p> <p>15 And then I think it indicates English also,</p> <p>16 so did you double-major?</p> <p>17 A Yes. I kept my same majors.</p> <p>18 Q And then while you were at Georgetown, you</p> <p>19 were the copy editor for The Hoya?</p> <p>20 A I was.</p> <p>21 Q And you also participated in the GU College</p> <p>22 Democrats.</p> <p>23 What was that?</p> <p>24 A That was affiliation mostly for the</p> <p>25 speakers that they would bring to campus. I didn't</p>
<p style="text-align: right;">Page 15</p> <p>1 P. Lett</p> <p>2 A The election between John McCain and Barack</p> <p>3 Obama.</p> <p>4 Q And what about it ignited you?</p> <p>5 A I was really drawn to Barack Obama as a</p> <p>6 political leader. Mostly for his speech and</p> <p>7 rhetoric, which is why I decided to be that</p> <p>8 double-major, in particular, because it seemed like</p> <p>9 it would be -- it would serve me well if I wanted to</p> <p>10 be a political speechwriter.</p> <p>11 Q And when you said "rhetoric," what do you</p> <p>12 mean by that?</p> <p>13 A He's a very good speaker. I'm drawn to</p> <p>14 audio, words.</p> <p>15 Q Now, did anybody in your family have any</p> <p>16 background in politics or anything like that, or was</p> <p>17 it just something you got into because of President</p> <p>18 Obama?</p> <p>19 A Yeah. No, they did not. No political</p> <p>20 leanings. My parents were small business owners at</p> <p>21 the time, but didn't really do anything related to</p> <p>22 politics.</p> <p>23 Q And then you transferred to Georgetown in</p> <p>24 2011; is that right?</p> <p>25 A Uh-huh.</p>	<p style="text-align: right;">Page 17</p> <p>1 P. Lett</p> <p>2 actually participate very much. The friendlessness</p> <p>3 thing continued, surprisingly.</p> <p>4 Q Who -- did you see any speakers while you</p> <p>5 were there?</p> <p>6 A Sure, all the time.</p> <p>7 Q Who did you see?</p> <p>8 A I -- I mean, I couldn't -- many, many</p> <p>9 people. Many different political speakers of all</p> <p>10 stripes. The one that's coming to mind right now is</p> <p>11 Donald Glover, the comedian, so that's embarrassing.</p> <p>12 Q Were you involved politically at all while</p> <p>13 you were at college other than those -- the</p> <p>14 Villanova Democrats and the GU College Democrats?</p> <p>15 A I interned for Senator Robert Menendez of</p> <p>16 New Jersey my junior year, I believe, for a</p> <p>17 semester.</p> <p>18 Q Yeah. And I think you have that listed on</p> <p>19 here. That was January of 2012 to May of 2012; is</p> <p>20 that right?</p> <p>21 A Yes. And that's my junior year.</p> <p>22 Q And one of the things you have listed for</p> <p>23 that is that you read and drafted local and senate</p> <p>24 speeches.</p> <p>25 How many senate speeches did you draft?</p>

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18 to 21

<p style="text-align: right;">Page 18</p> <p>1 P. Lett</p> <p>2 A Personally, I drafted one. I assisted his</p> <p>3 lead speechwriter with edits on more than one.</p> <p>4 Q And who was the lead speechwriter?</p> <p>5 A I only remember his first name. It was</p> <p>6 Tom. I would have to review. It's been some time.</p> <p>7 Q That's okay.</p> <p>8 And again, I didn't tell you this at the</p> <p>9 beginning, but it's not -- this isn't like an exam.</p> <p>10 If you don't remember or you don't recall something,</p> <p>11 that's perfectly fine, just let me know. You're not</p> <p>12 getting graded at the end.</p> <p>13 The one speech that you did draft for</p> <p>14 Senator Menendez, what was the subject matter of</p> <p>15 that speech?</p> <p>16 A I don't recall.</p> <p>17 Q And what led you to go to work for or to</p> <p>18 intern for Senator Menendez?</p> <p>19 A I took a required course for my major that</p> <p>20 required, as our term paper, to pick a politician</p> <p>21 running for reelection and to assess,</p> <p>22 mathematically, their chances and best outcomes for</p> <p>23 winning and what the trials of the race would be.</p> <p>24 And so, I picked my own senator. I am from</p> <p>25 New Jersey originally. And at the end of that</p>	<p style="text-align: right;">Page 20</p> <p>1 P. Lett</p> <p>2 identification, as of this</p> <p>3 date.)</p> <p>4 Q Do you recognize this document?</p> <p>5 A I do not.</p> <p>6 Q It should be a tweet from Senator Menendez.</p> <p>7 And I just want to ask you whether or not,</p> <p>8 while you were interning there, you worked on any of</p> <p>9 the bills that are listed in the image in this</p> <p>10 tweet?</p> <p>11 A No. I spent 95 percent of my time entering</p> <p>12 constituent logs and answering constituents on</p> <p>13 calls.</p> <p>14 Q Okay.</p> <p>15 While you were at Senator Menendez's office</p> <p>16 and during the time periods that you were at</p> <p>17 Georgetown and Villanova, did you ever have any</p> <p>18 involvement with any issues associated with the --</p> <p>19 what we'll call the Tuscon shooting, Jared</p> <p>20 Loughner's shooting, in Arizona?</p> <p>21 MR. AXELROD: Objection to form.</p> <p>22 Q You can answer.</p> <p>23 A Could you please restate the question?</p> <p>24 Q Sure.</p> <p>25 During the time period that you were at --</p>
<p style="text-align: right;">Page 19</p> <p>1 P. Lett</p> <p>2 semester, I thought it would make a pretty good</p> <p>3 application to send the application saying -- the</p> <p>4 essay saying he would win, to the senator, and it</p> <p>5 did.</p> <p>6 Q And then, Senator Menendez, he actually --</p> <p>7 he was a pretty staunch advocate on gun control, was</p> <p>8 he not?</p> <p>9 MR. AXELROD: Objection to form.</p> <p>10 A I don't recall.</p> <p>11 Q Do you know, during the time period when</p> <p>12 you were interning for Senator Menendez, did you</p> <p>13 review or edit any speeches related to gun control</p> <p>14 issues?</p> <p>15 A Not to my knowledge.</p> <p>16 Q While you were there interning for Senator</p> <p>17 Menendez, did you edit or review any speeches that</p> <p>18 related to gun control legislation that had been</p> <p>19 offered by Senator Menendez?</p> <p>20 A No.</p> <p>21 Q I'm going to show you what should be</p> <p>22 Exhibit B. It's got a "2" behind it because I just</p> <p>23 changed the name of it real quick.</p> <p>24 (Four-page Twitter printout was</p> <p>25 marked as Lett B for</p>	<p style="text-align: right;">Page 21</p> <p>1 P. Lett</p> <p>2 and I'll break it up so it's a little bit easier,</p> <p>3 but...</p> <p>4 During the time period that you were at</p> <p>5 either Villanova or Georgetown, did you have any</p> <p>6 involvement in any -- call them events, movements,</p> <p>7 groups, anything like that, having to do with the</p> <p>8 Tuscon shooting involving Jared Loughner?</p> <p>9 MR. AXELROD: Objection to form.</p> <p>10 Q You can answer, if you can.</p> <p>11 A No.</p> <p>12 Q And then during the time period that you</p> <p>13 were working as an intern for Senator Menendez, did</p> <p>14 you have any involvement while you were there with</p> <p>15 any work associated with the Loughner shooting?</p> <p>16 A No.</p> <p>17 MR. AXELROD: Objection to form.</p> <p>18 Phoebe, just give me a second to listen to</p> <p>19 the question, just a second.</p> <p>20 Thanks very much.</p> <p>21 BY MR. VOGT:</p> <p>22 Q And then you also interned for Patrick</p> <p>23 Murphy in September of 2010 to November of 2010; is</p> <p>24 that right?</p> <p>25 A That was an election campaign.</p>

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22 to 25

<p style="text-align: right;">Page 22</p> <p>1 P. Lett</p> <p>2 Q And did you do that -- was that also</p> <p>3 affiliated with a class at school or was that just</p> <p>4 interning?</p> <p>5 A That was trying to get experience to see if</p> <p>6 working on a campaign was something that I wanted to</p> <p>7 do as a career.</p> <p>8 Q And was there any reason in particular that</p> <p>9 you interned for Patrick Murphy?</p> <p>10 A It was a race that was happening while I</p> <p>11 was at Villanova and within driving distance.</p> <p>12 Q And then underneath the entry on your</p> <p>13 LinkedIn for your internship with Patrick Murphy, it</p> <p>14 says you "organized canvassers, directed daily</p> <p>15 updates and campaign memos," and "gained valuable</p> <p>16 experience in on-the-ground political rhetoric and</p> <p>17 speaking."</p> <p>18 What does "on-the-ground political rhetoric</p> <p>19 and speaking" mean?</p> <p>20 A So that's probably -- I can't remember</p> <p>21 writing that down on my LinkedIn. I imagine that I</p> <p>22 was referring to how politicians, in particular, the</p> <p>23 one I was working for, engage with their</p> <p>24 constituents.</p> <p>25 Q When you use "political rhetoric" there,</p>	<p style="text-align: right;">Page 24</p> <p>1 P. Lett</p> <p>2 Q Was there any reason why you switched</p> <p>3 positions and what was the reason?</p> <p>4 A The reason was I had been in the editorial</p> <p>5 assistant role for five years and -- or almost five</p> <p>6 years, and I had taken a great interest in podcasts</p> <p>7 and audio and had helped out with the launch of our</p> <p>8 first podcast, The Argument. And after working on</p> <p>9 that for about a year, it was decided that it could</p> <p>10 be a more formalized role for me.</p> <p>11 Q And then you were in the editorial</p> <p>12 assistant position for five years, I think you just</p> <p>13 said?</p> <p>14 A Yes. I think it's just under five years</p> <p>15 due to my promotion.</p> <p>16 Q It says on your LinkedIn you were a</p> <p>17 research and editorial assistant to the editorial</p> <p>18 board of The New York Times.</p> <p>19 What does a research and administrative</p> <p>20 assistant do?</p> <p>21 A Most of my job was wrangling the schedule</p> <p>22 of the editorial board. The editorial board has</p> <p>23 guests from all different stripes from all over the</p> <p>24 world come in a couple of times a week to -- at</p> <p>25 their request, to talk with the board to try to</p>
<p style="text-align: right;">Page 23</p> <p>1 P. Lett</p> <p>2 what do you mean by that?</p> <p>3 A The language of civics in order to solve</p> <p>4 problems for constituents.</p> <p>5 Q And did you do any speechwriting while you</p> <p>6 worked as an intern for Patrick Murphy?</p> <p>7 A No, I did not.</p> <p>8 Q Other than working with Patrick Murphy and</p> <p>9 Senator Menendez as an intern, have you done any</p> <p>10 other political work?</p> <p>11 A No.</p> <p>12 Q And then your current position with The New</p> <p>13 York Times as a podcast producer, how long have you</p> <p>14 been in that position? Since November of '19; is</p> <p>15 that correct?</p> <p>16 A Correct.</p> <p>17 Q And before that, you were an editorial</p> <p>18 assistant for the editorial board at The New York</p> <p>19 Times, correct?</p> <p>20 A Correct.</p> <p>21 Q And was there any reason why you switched</p> <p>22 positions to podcast producer?</p> <p>23 A I -- yes. I wanted --</p> <p>24 Q And -- go ahead.</p> <p>25 A No, sorry. Go ahead.</p>	<p style="text-align: right;">Page 25</p> <p>1 P. Lett</p> <p>2 explain the way they personally see the world and</p> <p>3 hope that the board would roll that into their own</p> <p>4 reporting and coverage. And so, my job was to make</p> <p>5 sure that the guests got to the right place at the</p> <p>6 right time and had a good experience inside The</p> <p>7 Times.</p> <p>8 The other end of the admin job was basic IT</p> <p>9 tech help for the board. A lot of organizing and</p> <p>10 office supply ordering. And -- yeah.</p> <p>11 Q And you said that you would help with the</p> <p>12 scheduling of the guests.</p> <p>13 Was there actually, like, an electronic</p> <p>14 calendar that was kept of guests that came in?</p> <p>15 A Eventually, yes, when I started in 2015,</p> <p>16 but a Google calendar.</p> <p>17 Q And was that Google calendar being used in</p> <p>18 June of 2017?</p> <p>19 A I -- I would have to look that up.</p> <p>20 Q And among the guests that came in to the</p> <p>21 editorial board at The New York Times, was -- was</p> <p>22 Gabby Giffords ever a guest?</p> <p>23 A No.</p> <p>24 Q No?</p> <p>25 A No.</p>



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26 to 29

<p style="text-align: right;">Page 26</p> <p>1 P. Lett</p> <p>2 Q Was Sarah Palin?</p> <p>3 A No.</p> <p>4 Q Is there a running list of all the guests</p> <p>5 that have come in to the editorial board? Do you</p> <p>6 know?</p> <p>7 A There's not.</p> <p>8 Q When -- when the guests would come in and</p> <p>9 speak with the board, would those meetings be</p> <p>10 recorded?</p> <p>11 A They would not.</p> <p>12 Q Would anyone take notes of what was</p> <p>13 discussed during the meetings?</p> <p>14 MR. AXELROD: Objection to form.</p> <p>15 Q You can answer.</p> <p>16 A Okay.</p> <p>17 Journalists take notes in every</p> <p>18 conversation. So, yes, the board members who</p> <p>19 were -- whose meeting it was, depending on their</p> <p>20 beat, would probably be taking notes on what the</p> <p>21 guests were saying.</p> <p>22 Q Did any of the speakers that came in while</p> <p>23 you were working as an editorial assistant, did they</p> <p>24 come in to speak about gun control issues?</p> <p>25 MR. AXELROD: Objection to form.</p>	<p style="text-align: right;">Page 28</p> <p>1 P. Lett</p> <p>2 Q Okay.</p> <p>3 And when -- your entry here mentions "fact</p> <p>4 checker." And I know it's fairly obvious, but</p> <p>5 people may not know, you know, journalism as well,</p> <p>6 obviously, as you do.</p> <p>7 But what does a fact checker do?</p> <p>8 A A fact checker goes through a piece when</p> <p>9 it's mostly done being edited and ensures that every</p> <p>10 line, every sentence is the truth, reflects the</p> <p>11 facts and is a fair and truthful representation of</p> <p>12 what has happened.</p> <p>13 Q And while you were at The Times, did you</p> <p>14 receive any training that specifically related to</p> <p>15 how to fact check an article or a piece?</p> <p>16 A The -- I was the editorial assistant</p> <p>17 beneath Eileen Lepping, and she was the main fact</p> <p>18 checker. Her main job was to fact check, so she</p> <p>19 trained me in how to fact check.</p> <p>20 Q And as part of that process, were there any</p> <p>21 written guidelines or policies or procedures that</p> <p>22 you reviewed that specifically related to fact</p> <p>23 checking?</p> <p>24 A No. No, not to my recollection.</p> <p>25 Q Did you work with certain people on the</p>
<p style="text-align: right;">Page 27</p> <p>1 P. Lett</p> <p>2 Q You can answer.</p> <p>3 A I can't recall.</p> <p>4 Q And then underneath your entry for</p> <p>5 editorial assistant at The Times, you also have</p> <p>6 editorial/op-ed editor fact checker.</p> <p>7 A Uh-huh.</p> <p>8 Q How much of your time was spent performing</p> <p>9 those tasks?</p> <p>10 A It was sporadically over the years of</p> <p>11 working there. I was being trained and was looking</p> <p>12 into a future as an editor of op-eds, specifically</p> <p>13 of college students. So I assisted the main editor</p> <p>14 who was handling our on-campus vertical with</p> <p>15 submissions by college students.</p> <p>16 Q And you mentioned "vertical."</p> <p>17 How many different verticals were there</p> <p>18 within the Opinion department?</p> <p>19 A I have no -- I don't know.</p> <p>20 Q Was there, to your knowledge, any kind of a</p> <p>21 chart, like an organizational chart, showing the</p> <p>22 verticals and who was in them at various times</p> <p>23 within the Opinion department?</p> <p>24 A No, no. I am sure there is an org chart</p> <p>25 somewhere, but I've never seen one from that time.</p>	<p style="text-align: right;">Page 29</p> <p>1 P. Lett</p> <p>2 editorial board more often than others?</p> <p>3 A What do you mean?</p> <p>4 Q Like, by happenstance or by assignment, did</p> <p>5 it happen where you worked with certain members of</p> <p>6 the board more than you worked with other members of</p> <p>7 the board?</p> <p>8 A If you're fact checking for the board,</p> <p>9 you're fact checking whatever piece is coming in,</p> <p>10 which means you're working with whatever writer</p> <p>11 happens to be writing that piece. So I would say it</p> <p>12 was pretty evenly split among the members of the</p> <p>13 board.</p> <p>14 Q Who -- while you were working as an</p> <p>15 editorial assistant -- and I know it was a large</p> <p>16 period of time -- but -- let's say who was your</p> <p>17 immediate supervisor in 2017?</p> <p>18 A In 2017, my immediate supervisor was Terry</p> <p>19 Tang.</p> <p>20 Q Can you spell that, please?</p> <p>21 A T-E-R-R-Y, T-A-N-G.</p> <p>22 Q And is that a man or a woman?</p> <p>23 A That's a woman.</p> <p>24 Q And what was her official title?</p> <p>25 A I believe she was deputy editor of the</p>

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30 to 33

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<p>1 P. Lett</p> <p>2 editorial page.</p> <p>3 Q And then prior to Terry Tang, who was your</p> <p>4 immediate super?</p> <p>5 A Terry Tang was my only supervisor. I</p> <p>6 believe that was the year she was replaced by Katie</p> <p>7 Kingsbury, who became my immediate supervisor, but</p> <p>8 Terry was always my only supervisor.</p> <p>9 Q Did you -- in June of 2017, did you have a</p> <p>10 set work schedule? Like, were you Monday through</p> <p>11 Friday, 9:00 to 5:00 type deal?</p> <p>12 A Yes. I worked Monday through Friday,</p> <p>13 9:30 to 6:00 typically. The leaving time is not</p> <p>14 always set depending on the news day.</p> <p>15 Q And then where was your office located?</p> <p>16 A 620 Eighth Avenue, New York, New York.</p> <p>17 Q And then can you give me an idea of the</p> <p>18 office, like, the physical location, of your</p> <p>19 workspace within the office? Like, was the</p> <p>20 editorial department -- was it all on one floor</p> <p>21 together?</p> <p>22 A It was.</p> <p>23 MR. AXELROD: Objection to form.</p> <p>24 THE WITNESS: I'm so sorry.</p> <p>25 Q And then did you have -- what was your work</p>	<p>1 P. Lett</p> <p>2 working from?</p> <p>3 A The New York office.</p> <p>4 Q And what about Nick Fox?</p> <p>5 A The New York office.</p> <p>6 Q Did Frank Rich also work in the New York</p> <p>7 office?</p> <p>8 A No.</p> <p>9 Q Where did Frank Rich work from?</p> <p>10 A I have no idea.</p> <p>11 Q Did you ever work with Mr. Rich while you</p> <p>12 were with -- working with the editorial board?</p> <p>13 A No.</p> <p>14 Q How often did you work with Mr. Semple?</p> <p>15 A Every day. Bob needed a lot of IT help.</p> <p>16 Q Bob's an older gentleman, correct?</p> <p>17 A He is. I love him very much.</p> <p>18 Q How often did you work with Linda Cohn?</p> <p>19 A Every day.</p> <p>20 Q How often did you work with Elizabeth</p> <p>21 Williamson?</p> <p>22 A Because she was based in D.C., I would work</p> <p>23 with her if she wanted to virtually join us for a</p> <p>24 guest, or if she needed research, or if her piece</p> <p>25 was being fact checked that day and I was the fact</p>
Page 31	Page 33
<p>1 P. Lett</p> <p>2 space like? I mean, were you guys in cubicles, was</p> <p>3 it desks? How did it look?</p> <p>4 A I was at a cubicle. The members of the</p> <p>5 board had their own offices that year. So they were</p> <p>6 not in cubicles, but I was, personally.</p> <p>7 Q And what about Eileen Lepping, where was</p> <p>8 she physical location-wise in proximity to you?</p> <p>9 A She was at the cubicle that was effectively</p> <p>10 next to mine, but we were separated by a big</p> <p>11 supporting beam. Like, I couldn't actually see her</p> <p>12 directly without leaning.</p> <p>13 Q And then, at that time, in June of 2017,</p> <p>14 were all of the board members physically located in</p> <p>15 the office space on 620 Eighth Avenue or were some</p> <p>16 of them in other locations?</p> <p>17 A Some were in other locations.</p> <p>18 Q What about Elizabeth Williamson, where was</p> <p>19 she working from?</p> <p>20 A She typically worked out of D.C.</p> <p>21 Q And at that time period, June of 2017, was</p> <p>22 Robert Semple working out of the Eighth Avenue</p> <p>23 offices?</p> <p>24 A Yes.</p> <p>25 Q And what about Linda Cohn, where was she</p>	<p>1 P. Lett</p> <p>2 checker.</p> <p>3 Q Other than Eileen Lepping and you, who were</p> <p>4 the other fact checkers working for the editorial</p> <p>5 department in June of 2017?</p> <p>6 MR. AXELROD: Objection to form.</p> <p>7 Q You can answer.</p> <p>8 A We were the only two fact checkers for the</p> <p>9 board itself. The Opinion section, which the</p> <p>10 editorial board is a part of, is made up of several</p> <p>11 fact checkers. They don't touch the editorials we</p> <p>12 did.</p> <p>13 Q And why wouldn't the other fact checkers</p> <p>14 touch the editorials?</p> <p>15 A They had other pieces to fact check.</p> <p>16 Q Did -- in June of 2017, did the editorial</p> <p>17 board have access to a research desk?</p> <p>18 MR. AXELROD: Objection to form.</p> <p>19 You can answer.</p> <p>20 A There was an internal research desk at The</p> <p>21 Times that I would -- that I very rarely sent a</p> <p>22 request for -- to on the chance that I couldn't find</p> <p>23 a Congressional transcript of some kind or, you</p> <p>24 know, a transcript of a speech they were looking</p> <p>25 for. If I had exhausted all of my searches, then I</p>

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<p style="text-align: right;">Page 34</p> <p>1 P. Lett</p> <p>2 would contact them.</p> <p>3 Q Let me ask about that because you brought</p> <p>4 it up.</p> <p>5 When you went about fact checking a piece,</p> <p>6 what resources would you use to check facts?</p> <p>7 A We used sources that are verified and</p> <p>8 trusted. So that means reliable reporting, often</p> <p>9 our own, from the news side of the company.</p> <p>10 Q But how would you actually go about -- I</p> <p>11 mean, would you just start off with a Google search?</p> <p>12 A I would -- it really depends on what you're</p> <p>13 asking about, what kind of piece you're asking</p> <p>14 about.</p> <p>15 Q So in terms of if you were researching</p> <p>16 something concerning the Loughner shooting, what</p> <p>17 was -- what were the resources that were available</p> <p>18 to you to research that issue?</p> <p>19 A So I would look at newsrooms like our own</p> <p>20 or local newsrooms, ones that we knew we could trust</p> <p>21 as presenting the facts and -- yeah.</p> <p>22 Q And what would be newsrooms -- some</p> <p>23 examples of newsrooms that you could trust for the</p> <p>24 facts?</p> <p>25 A The Wall Street Journal, The Washington</p>	<p style="text-align: right;">Page 36</p> <p>1 P. Lett</p> <p>2 available internally, not externally to the public?</p> <p>3 A Yes. There's an internal Workday site.</p> <p>4 Q And is that the name of the site that's</p> <p>5 available, Workday?</p> <p>6 A Workday is where we enter our timesheets.</p> <p>7 There's like an internal communications --</p> <p>8 company-wide communications site, as well.</p> <p>9 Q What's that called?</p> <p>10 A Good question. I think -- it's gone</p> <p>11 through a few different names. I remember it being</p> <p>12 called Insight or -- but I don't know what it's</p> <p>13 called now. I should know that better.</p> <p>14 Q And what kinds of communications would be</p> <p>15 sent on that site?</p> <p>16 A Job openings, promotions, major life</p> <p>17 milestones like somebody in the Styles department</p> <p>18 welcomed their baby or someone's grandmother passed</p> <p>19 away. Basically internal communication things in a</p> <p>20 company.</p> <p>21 Q Were there any other programs, other</p> <p>22 than -- or applications -- let me restart the</p> <p>23 question.</p> <p>24 Were there any other applications or</p> <p>25 programs you used to communicate with other</p>
<p style="text-align: right;">Page 35</p> <p>1 P. Lett</p> <p>2 Post, LA Times, et cetera.</p> <p>3 Q Would ABC News be a source that you could</p> <p>4 trust?</p> <p>5 A Yes. I should say that I, as a fact</p> <p>6 checker, needed to find evidence of any fact in more</p> <p>7 than one place. So it was often finding multiple</p> <p>8 trustworthy sources that verified the claims.</p> <p>9 Q And then, do you know, did The Times itself</p> <p>10 have research files that it maintained on certain</p> <p>11 topics? Like, was there a database that you could</p> <p>12 go to to pull things up?</p> <p>13 A No.</p> <p>14 Q Do you know whether The Times maintained</p> <p>15 any files internally on the Loughner shooting?</p> <p>16 A No.</p> <p>17 Q And just to be clear, are you saying you</p> <p>18 don't know if they did or not, or, no, they didn't</p> <p>19 maintain internal files?</p> <p>20 A To my knowledge, there are no such files.</p> <p>21 Q Does The Times have an intranet?</p> <p>22 A I don't know what that means.</p> <p>23 Q I guess, is there an internal network where</p> <p>24 The Times maintains things like policies and</p> <p>25 procedures, manuals, things like that, that's only</p>	<p style="text-align: right;">Page 37</p> <p>1 P. Lett</p> <p>2 employees at The Times, other than email, in the</p> <p>3 June of 2017 time period?</p> <p>4 A That was prior to Slack, so I think that's</p> <p>5 the only way, email was the only way.</p> <p>6 Q And when did you start using Slack at The</p> <p>7 Times?</p> <p>8 A I don't know.</p> <p>9 Q Do you know, were you a part of any</p> <p>10 channels within The Times on Slack?</p> <p>11 A When?</p> <p>12 Q No. Do you know if you were? So, in other</p> <p>13 words, did the Opinion department have its own</p> <p>14 channel within Slack?</p> <p>15 A In 2017?</p> <p>16 Q Yes.</p> <p>17 A We did not have Slack in 2017.</p> <p>18 Q Was there another messaging system that The</p> <p>19 Times was using in 2017?</p> <p>20 A To my knowledge, we were only using email.</p> <p>21 Q And to sort of short-circuit this so we can</p> <p>22 move on to another area, but look through your</p> <p>23 LinkedIn for me, which is Exhibit A, and just let me</p> <p>24 know if everything in there is accurate.</p> <p>25 A (Perusing document.)</p>

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38 to 41

<p style="text-align: right;">Page 38</p> <p>1 P. Lett</p> <p>2 I don't go on LinkedIn very much, but yes,</p> <p>3 this all looks accurate.</p> <p>4 Q Okay.</p> <p>5 Now, you were -- go ahead.</p> <p>6 A I'm not presently a tutor at 826NYC. That</p> <p>7 ended.</p> <p>8 Q Okay.</p> <p>9 What were you tutoring, what subject areas?</p> <p>10 A Reading. It was for elementary school</p> <p>11 children. We mostly just did homework help.</p> <p>12 Q Okay.</p> <p>13 And then you were -- you worked with the</p> <p>14 editorial board before and after Mr. Bennet came in;</p> <p>15 is that correct?</p> <p>16 A That is correct.</p> <p>17 Q And then prior to Mr. Bennet, who was</p> <p>18 running the Editorial department?</p> <p>19 A Andrew Rosenthal.</p> <p>20 Q And did you ever work with Mr. Rosenthal?</p> <p>21 A Yes.</p> <p>22 Q I'm going to show you what's marked as</p> <p>23 Exhibit 1. I'll ask you a few questions about this,</p> <p>24 and then we'll take a break.</p> <p>25 (Exhibit 1 was shown to the</p>	<p style="text-align: right;">Page 40</p> <p>1 P. Lett</p> <p>2 article, it should say 2 of 21 on the bottom.</p> <p>3 I'm going to ask you a couple of questions</p> <p>4 about the bottom of the page there.</p> <p>5 And really it's the bottom of page 2 of 21</p> <p>6 and then it goes on to page 3 of 21.</p> <p>7 There's a portion here that says, "If</p> <p>8 something is presented as a fact, it has to be</p> <p>9 correct. How do we ensure that? The same way the</p> <p>10 newsroom does, by reporting. In fact, I have often</p> <p>11 told people that the thing that surprised me the</p> <p>12 most about the editorial page was just how much</p> <p>13 reporting went into each editorial."</p> <p>14 What I wanted to you ask was, is that an</p> <p>15 accurate description of how the editorial department</p> <p>16 was operating in June of 2017?</p> <p>17 MR. AXELROD: Objection to form.</p> <p>18 Q You can answer.</p> <p>19 A Yes.</p> <p>20 Q And then I think you touched on this</p> <p>21 earlier, but Mr. Rosenthal goes on to say that --</p> <p>22 talk about, in the next paragraph, the editorial</p> <p>23 department relies on the news pages of The Times and</p> <p>24 other pages, too, for information.</p> <p>25 Is that an accurate description, as well,</p>
<p style="text-align: right;">Page 39</p> <p>1 P. Lett</p> <p>2 witness.)</p> <p>3 MR. AXELROD: And Ms. Lett, take as long as</p> <p>4 you need to look at the exhibit.</p> <p>5 A I read the first part. I'm on -- I</p> <p>6 finished page 4. Should I keep going?</p> <p>7 Q I can point you to where I'm going to ask</p> <p>8 you just a couple of questions about this, and then</p> <p>9 if you want to take time before you answer me to</p> <p>10 read that area or anything else around it, then we</p> <p>11 can do it that way, if that's okay with David, since</p> <p>12 it is a long piece and I'm not going to touch on</p> <p>13 most of it.</p> <p>14 MR. AXELROD: That's fine.</p> <p>15 Why don't you ask the question and focus</p> <p>16 Ms. Lett on where you want to go, and then</p> <p>17 we'll see -- and then she can tell you if she</p> <p>18 needs to read more of the exhibit for context.</p> <p>19 MR. VOGT: That's fine.</p> <p>20 BY MR. VOGT:</p> <p>21 Q So, first of all, let me ask you, have you</p> <p>22 ever seen this article before?</p> <p>23 A No.</p> <p>24 Q Okay.</p> <p>25 If you turn to the second page of the</p>	<p style="text-align: right;">Page 41</p> <p>1 P. Lett</p> <p>2 of how things would have worked in June of 2017?</p> <p>3 A Yes.</p> <p>4 MR. AXELROD: Objection to form.</p> <p>5 Q You can answer.</p> <p>6 A Yes.</p> <p>7 Q And then if you turn to the next page, 3 of</p> <p>8 21 -- I keep saying "turn." My kids would be making</p> <p>9 fun of me right now.</p> <p>10 There's a paragraph that says, "Our writers</p> <p>11 bear the first and primary responsibility for</p> <p>12 checking their facts, but they are backed up by the</p> <p>13 editors who edit their editorials and signed opinion</p> <p>14 pieces, by our very able staff researcher, and by</p> <p>15 our dedicated and extremely hard-working team of</p> <p>16 copy editors."</p> <p>17 Is that an accurate description of how it</p> <p>18 was working in June of 2017, as well?</p> <p>19 MR. AXELROD: Objection to form.</p> <p>20 Q You can answer.</p> <p>21 A Yes.</p> <p>22 Q And would that also apply to opinion pieces</p> <p>23 attributed to the editorial board?</p> <p>24 A Yes.</p> <p>25 Q And then if you go down a couple of</p>

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<p style="text-align: right;">Page 42</p> <p>1 P. Lett</p> <p>2 paragraphs, he talks there about meetings. It says,</p> <p>3 "In our meetings, I call on each member in turn to</p> <p>4 talk about what is going on in their areas, what we</p> <p>5 should be writing about that day and in coming days,</p> <p>6 and what our editorial position should be.</p> <p>7 Sometimes there is no debate. Sometimes there is a</p> <p>8 lot of debate."</p> <p>9 Let me ask you first, to put it in the</p> <p>10 context of June 2017, during that time period, were</p> <p>11 there regular meetings by the editorial board?</p> <p>12 A Yes. It was our practice to meet three</p> <p>13 times a week.</p> <p>14 Q What days were those meetings scheduled</p> <p>15 for? Was it like a routine?</p> <p>16 A Yes. I believe they were at 9:30 or</p> <p>17 10:00 on Monday, Tuesday, and Thursday. The timing</p> <p>18 wasn't consistent. It was either 9:30 or 10:00, but</p> <p>19 I'm not sure which days for which.</p> <p>20 Q And who would have attended those meetings?</p> <p>21 A The members of --</p> <p>22 Q Just in general. I know it varied from</p> <p>23 meeting to meeting.</p> <p>24 But generally speaking, who were the</p> <p>25 attendees of those meetings?</p>	<p style="text-align: right;">Page 44</p> <p>1 P. Lett</p> <p>2 A I would, usually, if Eileen Lepping could</p> <p>3 not attend. So I think, on Thursdays, she would</p> <p>4 come into work later and, therefore, miss the early</p> <p>5 morning meetings, so I would join for that, or if</p> <p>6 she was out.</p> <p>7 Q I'm sorry. That would typically be on</p> <p>8 Thursdays?</p> <p>9 A I believe so. I don't quite remember our</p> <p>10 routine at this point. But even if she was there, I</p> <p>11 would sometimes join if I had the time in my</p> <p>12 schedule.</p> <p>13 Q And other than you and Ms. Lepping, was</p> <p>14 there anyone else that attended the Monday, Tuesday,</p> <p>15 Thursday board meetings?</p> <p>16 A Yes. Usually a photo editor would join in</p> <p>17 order to get a sense of what sort of arting [sic]</p> <p>18 they would be looking for for the pieces of the day.</p> <p>19 A web editor, so the person -- we call them "web</p> <p>20 editors," but they're responsible for getting the</p> <p>21 article published to the section front. They would</p> <p>22 usually have one person in that meeting, again, to</p> <p>23 be kept ahead of what would be published and the</p> <p>24 timetable, just in case anything required quick</p> <p>25 action.</p>
<p style="text-align: right;">Page 43</p> <p>1 P. Lett</p> <p>2 A The New York-based members of the board and</p> <p>3 typically -- always the editors of the editorial</p> <p>4 board, so...</p> <p>5 Q And at that time period, June 2017, who</p> <p>6 were the editors of the editorial board?</p> <p>7 A Certainly Linda Cohn and Bob Semple. Nick</p> <p>8 Fox went from the Room for Debate vertical that we</p> <p>9 had to joining the board, I believe around that</p> <p>10 time, but I don't actually know the exact month he</p> <p>11 joined. But I'm guessing, if you know his name,</p> <p>12 then he probably was on the board.</p> <p>13 Q Did -- were there any -- anyone other than</p> <p>14 board members that attended those meetings?</p> <p>15 A No.</p> <p>16 Q Do you know whether the meetings were</p> <p>17 recorded?</p> <p>18 A Never.</p> <p>19 Q And other than the Monday, Tuesday,</p> <p>20 Thursday board meetings, were there any other</p> <p>21 regularly scheduled meetings within the editorial</p> <p>22 department?</p> <p>23 A No, no. Those were the only regularly</p> <p>24 scheduled meetings for the board.</p> <p>25 Q Did you ever attend board meetings?</p>	<p style="text-align: right;">Page 45</p> <p>1 P. Lett</p> <p>2 Q During the June of 2017 time period, did</p> <p>3 Mr. Bennet have to sign off or give approval on</p> <p>4 every piece that was published in the editorial --</p> <p>5 or in the Opinion section?</p> <p>6 MR. AXELROD: Objection to form.</p> <p>7 A Can you --</p> <p>8 Q You can answer.</p> <p>9 A Can you restate the question?</p> <p>10 Q Sure.</p> <p>11 During the June 2017 time period, did James</p> <p>12 Bennet have to approve every piece before it could</p> <p>13 be published in the Opinion section?</p> <p>14 MR. AXELROD: Objection to form.</p> <p>15 You can answer.</p> <p>16 A Okay.</p> <p>17 MR. AXELROD: If you can.</p> <p>18 A No, I don't believe he did. I think he</p> <p>19 would never be able to sleep if he did that.</p> <p>20 Q Okay.</p> <p>21 MR. VOGT: Why don't we go ahead and take a</p> <p>22 10-minute break there.</p> <p>23 THE VIDEOGRAPHER: Going off the record,</p> <p>24 11:01.</p> <p>25 (Recess taken.)</p>

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<p style="text-align: right;">Page 46</p> <p>1 P. Lett</p> <p>2 THE VIDEOGRAPHER: Back on the record,</p> <p>3 11:15.</p> <p>4 BY MR. VOGT:</p> <p>5 Q Okay. Ms. Lett, I'm going to show you a</p> <p>6 couple of other documents, which are marked as</p> <p>7 Exhibit 2, Exhibit 3.</p> <p>8 (Exhibit 2 was shown to the</p> <p>9 witness.)</p> <p>10 Q Exhibit 2 is the New York Times Ethical</p> <p>11 Journalism, A Handbook of Value and Practices for</p> <p>12 the News and Editorial Departments.</p> <p>13 (Exhibit 3 was shown to the</p> <p>14 witness.)</p> <p>15 Q And Exhibit 3 is The New York Times</p> <p>16 Guidelines on Integrity.</p> <p>17 And I just wanted to ask you, first, in</p> <p>18 general, if you're familiar with both of these</p> <p>19 documents.</p> <p>20 A I have read them both before, yes.</p> <p>21 Q All right.</p> <p>22 And do you know, were both of these</p> <p>23 documents in effect in the June of 2017 time period?</p> <p>24 A The video glitched for me. Can you please</p> <p>25 repeat that?</p>	<p style="text-align: right;">Page 48</p> <p>1 P. Lett</p> <p>2 While you were working for the editorial</p> <p>3 department in June of 2017, were you following the</p> <p>4 Ethical Journalism Handbook of Values and Practices?</p> <p>5 MR. AXELROD: Objection to form.</p> <p>6 A Yes, I was following the Ethical Journalism</p> <p>7 Handbook of Values and Practices, yes.</p> <p>8 Q And in June of 2017 time period, were you</p> <p>9 also following The New York Times guidelines on</p> <p>10 integrity, which is Exhibit 3?</p> <p>11 MR. AXELROD: Objection to form.</p> <p>12 BY MR. VOGT:</p> <p>13 Q I'm sorry, did you answer? I didn't hear</p> <p>14 you.</p> <p>15 A Yes, I personally was following The New</p> <p>16 York Times guidelines. Yes, I was following the</p> <p>17 guidelines outlined by my employer.</p> <p>18 Q And if you look at Exhibit 3 and scroll to</p> <p>19 the third page, I'm going to ask you some questions</p> <p>20 about that, if you want to take a minute to read</p> <p>21 through it.</p> <p>22 Actually, I'm going to ask you questions</p> <p>23 about the Other People's Reporting section.</p> <p>24 A (Perusing document.)</p> <p>25 Q Are you done going through that?</p>
<p style="text-align: right;">Page 47</p> <p>1 P. Lett</p> <p>2 Q Yeah. I'll ask you if both of these</p> <p>3 documents were in effect in the June of 2017 time</p> <p>4 period?</p> <p>5 A I don't know.</p> <p>6 MR. AXELROD: Objection to form.</p> <p>7 Q Yeah. I've got a message on my screen,</p> <p>8 that yeah, Phoebe, your bandwidth is low, so that</p> <p>9 might be the problem.</p> <p>10 A Yeah. I'm on a different wi-fi.</p> <p>11 Q I'm just going to ask Amanda to repeat the</p> <p>12 question, okay.</p> <p>13 THE COURT REPORTER: Would you like me to</p> <p>14 repeat the question?</p> <p>15 MR. VOGT: Yes, if you can, please.</p> <p>16 (Record read.)</p> <p>17 MR. AXELROD: Objection to form.</p> <p>18 Q Ms. Phoebe, are you there or did you drop</p> <p>19 off?</p> <p>20 A I'm here. Can you hear me?</p> <p>21 Q Yes.</p> <p>22 Did you hear that question?</p> <p>23 A I did.</p> <p>24 The answer is I don't know.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 49</p> <p>1 P. Lett</p> <p>2 A Yeah.</p> <p>3 Q On page 3, there's a section -- a paragraph</p> <p>4 there that talks about attribution. And the last</p> <p>5 sentence of that paragraph says, "And when the need</p> <p>6 arises to attribute, that is a good cue to consult</p> <p>7 with the department head about whether publication</p> <p>8 is warranted at all."</p> <p>9 Do you see that sentence?</p> <p>10 A I do.</p> <p>11 Q Was that a policy that was in effect in</p> <p>12 June of 2017, to your knowledge?</p> <p>13 A I don't know.</p> <p>14 Q And when "attribution" is used in this</p> <p>15 context, would hyperlinking to another news</p> <p>16 organization's article be considered attribution?</p> <p>17 MR. AXELROD: Objection to form.</p> <p>18 A I'm not sure.</p> <p>19 Q And in the Fact Checking section, I just</p> <p>20 wanted to ask you about, there's a sentence in the</p> <p>21 middle of the paragraph that says, "If deadline</p> <p>22 pressure requires skipping a check, the editors</p> <p>23 should be alerted with a flag like 'desk, please</p> <p>24 verify,' but ideally the editor should double back</p> <p>25 for the check after filing; usually the desk can</p>



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<p style="text-align: right;">Page 50</p> <p>1 P. Lett</p> <p>2 accommodate a last-minute repair."</p> <p>3 What I was going to ask you about is have</p> <p>4 you ever seen instances while you were working for</p> <p>5 the editorial board where someone used this process</p> <p>6 of inserting "desk, please verify" in an editorial?</p> <p>7 A That specific line, no. But it would</p> <p>8 likely say something like, "Eileen or Phoebe, verify</p> <p>9 this" or "is this right?"</p> <p>10 Q And would that -- would that type of</p> <p>11 notation, would that have been done in Scoop?</p> <p>12 A So before Scoop, we had another CMS. I</p> <p>13 forget what it was called. And I'm not sure the</p> <p>14 year that we switched over to Scoop. I don't</p> <p>15 remember. So if it were done today, it would be in</p> <p>16 Scoop, but I'm not sure about in 2017.</p> <p>17 Q Are you familiar with the Society of</p> <p>18 Professional Journalists Code of Ethics?</p> <p>19 A No, I am not.</p> <p>20 Q Do you know whether anyone on the editorial</p> <p>21 board made it a policy to follow the Society of</p> <p>22 Professional Journalists Code of Ethics?</p> <p>23 A I don't know.</p> <p>24 Q I'm going to skip over Exhibit 4 and send</p> <p>25 you Exhibit 5.</p>	<p style="text-align: right;">Page 52</p> <p>1 P. Lett</p> <p>2 columns -- column? It's referenced in the article</p> <p>3 that's Exhibit 6.</p> <p>4 A I don't remember this particular --</p> <p>5 MR. AXELROD: Objection to form.</p> <p>6 A I don't --</p> <p>7 MR. AXELROD: And Ms. Lett, if you need to</p> <p>8 read the article to understand it --</p> <p>9 A I don't remember this particular column.</p> <p>10 MR. AXELROD: -- you can do so.</p> <p>11 THE WITNESS: Okay.</p> <p>12 Q Do you remember, in the April of 2017 time</p> <p>13 period, there being a discussion, a public</p> <p>14 discussion, about a column that Mr. Stephens wrote</p> <p>15 concerning climate change?</p> <p>16 A I remember --</p> <p>17 MR. AXELROD: Objection to form.</p> <p>18 A -- Mr. Stephens trending on Twitter and I</p> <p>19 don't remember the specifics.</p> <p>20 Q So just that he was trending, but you don't</p> <p>21 remember any details about why; is that right?</p> <p>22 A Correct. He was trending several times.</p> <p>23 Q Do you know, the several times that he's</p> <p>24 trended, do you know the reasons why?</p> <p>25 A The one that comes to mind most recently is</p>
<p style="text-align: right;">Page 51</p> <p>1 P. Lett</p> <p>2 This is a printout from The Times website,</p> <p>3 a standards and ethics page.</p> <p>4 Have you ever seen this page before?</p> <p>5 A Yes.</p> <p>6 Q The professional guideline document</p> <p>7 section, do you see that?</p> <p>8 A Yes, I do.</p> <p>9 Q To your knowledge, are all -- are those</p> <p>10 links that are included in there that are indicated</p> <p>11 in blue, are those all of the professional guideline</p> <p>12 documents that you're aware of that were in effect</p> <p>13 at The Times while you were working for the</p> <p>14 editorial board?</p> <p>15 MR. AXELROD: Objection to form.</p> <p>16 A I don't know.</p> <p>17 Q Do you recall a point in April of 2017 when</p> <p>18 the Opinion section came under some fire for some</p> <p>19 fact checking errors in an op-ed?</p> <p>20 A Not based on that description, no.</p> <p>21 Q If you'll take a look at Exhibit 6, which</p> <p>22 is an article related to a Bret Stephens column.</p> <p>23 (Exhibit 6 was shown to the</p> <p>24 witness.)</p> <p>25 Q Are you familiar with this Bret Stephens</p>	<p style="text-align: right;">Page 53</p> <p>1 P. Lett</p> <p>2 bedbug related.</p> <p>3 Q Would you consider Mr. Stephens to be</p> <p>4 controversial?</p> <p>5 A Mr. Stephens was hired to be a conservative</p> <p>6 columnist. And so, he was hired to write from his</p> <p>7 own political views. Some people may deem that as</p> <p>8 controversial.</p> <p>9 Q And while you were working for the</p> <p>10 editorial board, did Mr. Bennet hire anyone else</p> <p>11 that could be considered controversial?</p> <p>12 MR. AXELROD: Objection to form.</p> <p>13 A In 2017?</p> <p>14 Q At any time while you were working for the</p> <p>15 board.</p> <p>16 A The New York Times has such a reputation</p> <p>17 that its readers have a very high standard for it.</p> <p>18 So the scale of controversy is entirely dependent on</p> <p>19 where your point of view is, and the controversial</p> <p>20 matters is based on who you are rather than the</p> <p>21 institution itself.</p> <p>22 Q I'm going to show you Exhibit 7, which is</p> <p>23 an Opinion pages piece by Liz Spayd from September</p> <p>24 of 2015.</p> <p>25 (Exhibit 7 was shown to the</p>

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<p style="text-align: right;">Page 54</p> <p>1 P. Lett</p> <p>2 witness.)</p> <p>3 Q When you're done reading through it, let me</p> <p>4 know if you're familiar with this piece.</p> <p>5 A I don't recall either.</p> <p>6 Q Liz Spayd was the public editor in 2015,</p> <p>7 correct?</p> <p>8 A (No verbal response.)</p> <p>9 Q What is a public editor?</p> <p>10 A I don't know.</p> <p>11 Q You don't know what a public editor is?</p> <p>12 A That's a question slightly above my pay</p> <p>13 grade. I do, I just don't want to define the job.</p> <p>14 I can tell you what it is from my point of view.</p> <p>15 The public editor serves as the critic --</p> <p>16 Q What is it from your point of view?</p> <p>17 A -- in freelance reporting which is a way of</p> <p>18 holding accountable -- we have a lag here, I'm</p> <p>19 sorry.</p> <p>20 It is a way of holding the paper</p> <p>21 accountable to the values that we hold in the</p> <p>22 highest, which is keeping a paper of record and a</p> <p>23 continuing record of the reality of the world as we</p> <p>24 see it.</p> <p>25 Q And were articles or editorials or whatever</p>	<p style="text-align: right;">Page 56</p> <p>1 P. Lett</p> <p>2 A I don't recall.</p> <p>3 MR. AXELROD: Misstates the exhibit.</p> <p>4 Q And do you recall, in the wake of this</p> <p>5 piece put out by Ms. Spayd, whether there were any</p> <p>6 changes that took place within The Times related to</p> <p>7 slowing down the reporting and editing process?</p> <p>8 A This article was published in December of</p> <p>9 2015. At that time, I was just a freelance fact</p> <p>10 checker for the opinion section and was working</p> <p>11 elsewhere. So whether it resulted in systemic</p> <p>12 change, I was not privy to that.</p> <p>13 Q And do you know -- this piece by Ms. Spayd</p> <p>14 is published in the Opinion section.</p> <p>15 Do you know why?</p> <p>16 A I believe the public editor column was</p> <p>17 usually in the Opinion section because it was</p> <p>18 arguing a point of view and not reporting facts;</p> <p>19 that point of view being whatever the public editor</p> <p>20 was going to say.</p> <p>21 Q Now, if you could take a look at Exhibit 8</p> <p>22 that I just sent. This is a slightly older article.</p> <p>23 It's from January 15 of 2011. It's a piece by the</p> <p>24 public editor at that time, Arthur Brisbane.</p> <p>25 (Exhibit 8 was shown to the</p>
<p style="text-align: right;">Page 55</p> <p>1 P. Lett</p> <p>2 this might be called that we're looking at, this</p> <p>3 exhibit, when those were published in the name of</p> <p>4 the public editor, were those taken seriously by the</p> <p>5 editorial board?</p> <p>6 MR. AXELROD: Objection to form.</p> <p>7 A Yes.</p> <p>8 Q And if you scroll down to the fourth page</p> <p>9 of the exhibit, which should be page 3 of 4 of the</p> <p>10 actual piece, there is a paragraph there that reads,</p> <p>11 "The Times needs to fix its overuse of unnamed</p> <p>12 government sources and it needs to slow down the</p> <p>13 reporting and editing process, especially in a</p> <p>14 fever-pitch atmosphere surrounding a major news</p> <p>15 event. Those are procedural changes and they are</p> <p>16 needed. But most of all and more fundamental, the</p> <p>17 paper needs to show far more skepticism, the kind of</p> <p>18 prosecutorial scrutiny at every level of the</p> <p>19 process."</p> <p>20 And then she concludes there by saying, "If</p> <p>21 this isn't a red alert, I don't know what will be."</p> <p>22 Do you recall at all, in this 2015 time</p> <p>23 period, those specific statements by Ms. Spayd being</p> <p>24 discussed within the editorial department?</p> <p>25 MR. AXELROD: Objection to form.</p>	<p style="text-align: right;">Page 57</p> <p>1 P. Lett</p> <p>2 witness.)</p> <p>3 Q Let me know if you're familiar at all with</p> <p>4 this piece.</p> <p>5 A I'm not.</p> <p>6 Q And you're familiar with the editorial that</p> <p>7 was published on June 14 of 2017 that related to the</p> <p>8 Scalise shooting, correct?</p> <p>9 A I am.</p> <p>10 Q And in connection with the editorial of</p> <p>11 June 14 of 2017 on the Scalise shooting, did you go</p> <p>12 back and do research for past articles in the</p> <p>13 Opinion section concerning the Loughner shooting?</p> <p>14 A I was asked to look up our previous</p> <p>15 positions and what we had written about personally</p> <p>16 as -- from the board's perspective. So I focused my</p> <p>17 research on what the board wrote.</p> <p>18 Q Did you conduct any research into any other</p> <p>19 Opinion pieces, though, besides what the board</p> <p>20 wrote?</p> <p>21 A Yes. Part of my job was to make sure that</p> <p>22 our writers and editors were the most informed as</p> <p>23 they could be. And so, I looked for what they asked</p> <p>24 me to within the whole department.</p> <p>25 Q And in researching for the editorial on</p>



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<p style="text-align: right;">Page 58</p> <p>1 P. Lett</p> <p>2 June 14 of 2017, did you come across this piece that</p> <p>3 I've marked as Exhibit 8?</p> <p>4 A No.</p> <p>5 Q Other than researching past articles from</p> <p>6 the Opinion -- and I get -- I get confused</p> <p>7 sometimes. It's my fault.</p> <p>8 Is it the Opinion department or Opinion</p> <p>9 section?</p> <p>10 A I -- it's not your fault. It's a bit</p> <p>11 confusing.</p> <p>12 It's the Opinion department, but "section"</p> <p>13 is pretty interchangeably used.</p> <p>14 Q Okay.</p> <p>15 Let me show you Exhibit 9.</p> <p>16 (Exhibit 9 was shown to the</p> <p>17 witness.)</p> <p>18 Q And I know we talked a little bit about</p> <p>19 this earlier, but if you look at Exhibit 9, there's</p> <p>20 a URL on the bottom; it's archive.nytimes.com.</p> <p>21 Do you see that?</p> <p>22 A I do.</p> <p>23 Q Do you know what the archive is?</p> <p>24 A I don't.</p> <p>25 Q And this particular page that I printed out</p>	<p style="text-align: right;">Page 60</p> <p>1 P. Lett</p> <p>2 those. But, otherwise, it's sort of -- all flows</p> <p>3 through time.</p> <p>4 Q Do you recall, at any point in time,</p> <p>5 whether at The New York Times or before that, ever</p> <p>6 working on any pieces that related to the Loughner</p> <p>7 shooting?</p> <p>8 A I don't.</p> <p>9 Q Do you recall, at any point in time, ever</p> <p>10 conducting any research related to the Loughner</p> <p>11 shooting?</p> <p>12 A Nothing more than the emails I turned over</p> <p>13 that relate.</p> <p>14 Q When you say the email you turned over, is</p> <p>15 that relating to the research you did on June 14 of</p> <p>16 2017?</p> <p>17 A Yes.</p> <p>18 Q Do you recall ever hearing any discussions,</p> <p>19 while you were working with the editorial board,</p> <p>20 that related to Sarah Palin?</p> <p>21 A I don't recall any particular discussions.</p> <p>22 Though, again, whatever was in the -- was the news</p> <p>23 stories of the day would be discussed. So I don't</p> <p>24 doubt that there was, but I don't recall any</p> <p>25 specifically.</p>
<p style="text-align: right;">Page 59</p> <p>1 P. Lett</p> <p>2 that's Exhibit 9 contains Loughner documents within</p> <p>3 the archive.</p> <p>4 Have you ever seen these before?</p> <p>5 A I have not.</p> <p>6 Q While you were working on the editorial</p> <p>7 board, did you ever work on any pieces that involved</p> <p>8 Sarah Palin?</p> <p>9 A I don't know. I can't recall. None that</p> <p>10 stand out.</p> <p>11 Q While you were working on the editorial</p> <p>12 board, do you recall ever fact checking or</p> <p>13 researching Sarah Palin?</p> <p>14 A I don't recall specifically researching</p> <p>15 Sarah Palin. If there was a story that we were</p> <p>16 writing that involved her, that would be the time</p> <p>17 that I would fact check and research.</p> <p>18 Q Is there -- is there a way to tell which --</p> <p>19 whether you fact checked certain articles?</p> <p>20 A I don't think so. On our old system, there</p> <p>21 was, I believe. I don't -- no, actually, there</p> <p>22 wasn't on our old system. There is now. You can</p> <p>23 see who's touched a piece. So I can only remember</p> <p>24 the very specific details of certain pieces,</p> <p>25 finding -- usually about foreign affairs, I remember</p>	<p style="text-align: right;">Page 61</p> <p>1 P. Lett</p> <p>2 Q I'm going to show you deposition</p> <p>3 Exhibit 10.</p> <p>4 (Exhibit 10 was shown to the</p> <p>5 witness.)</p> <p>6 Q This is a 2010 article by Maureen Dowd</p> <p>7 calls Playing All the Angles, and I know this was</p> <p>8 before your time at The Times.</p> <p>9 But have you ever seen this piece before?</p> <p>10 A No.</p> <p>11 Q Have you ever worked with Maureen Dowd?</p> <p>12 A No.</p> <p>13 Q Have you ever heard anyone at The Times</p> <p>14 refer to Sarah Palin as Queen Bee Sarah?</p> <p>15 A No.</p> <p>16 Q Have you ever heard anyone refer to her as</p> <p>17 a mean girl?</p> <p>18 A No.</p> <p>19 Q I'm going to show you Exhibit 11.</p> <p>20 (Exhibit 11 was shown to the</p> <p>21 witness.)</p> <p>22 Q This is a January 25, 2017, piece by Nicole</p> <p>23 Wallace.</p> <p>24 Who is Nicole Wallace?</p> <p>25 MR. AXELROD: If you know.</p>

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62 to 65

<p style="text-align: right;">Page 62</p> <p>1 P. Lett</p> <p>2 THE WITNESS: Do I answer?</p> <p>3 Q You can answer.</p> <p>4 MR. AXELROD: Yes.</p> <p>5 A According to her biography at the bottom of</p> <p>6 this page, she was an analyst for MSNBC, and the</p> <p>7 author of Madam President, and a senior advisor to</p> <p>8 the McCain-Palin campaign.</p> <p>9 Q Do you recall this piece, Exhibit 11,</p> <p>10 titled Sarah Palin, Rage Whisperer?</p> <p>11 A No.</p> <p>12 Q Do you know whether or not you worked on</p> <p>13 this page?</p> <p>14 A Yes. I know I did not work on this page.</p> <p>15 Q How do you know that?</p> <p>16 A Because it was by the editorial board.</p> <p>17 Q Got it.</p> <p>18 Have you ever heard anyone within the</p> <p>19 editorial department refer to Sarah Palin as a Rage</p> <p>20 Whisperer?</p> <p>21 A No.</p> <p>22 Q If you turn to page 2 of 4, there's a</p> <p>23 sentence in the second paragraph there, it says,</p> <p>24 "The Alaska governor whipped the crowds into a</p> <p>25 frenzy with her fiery attacks on the media and the</p>	<p style="text-align: right;">Page 64</p> <p>1 P. Lett</p> <p>2 Q You can answer.</p> <p>3 A I don't recall.</p> <p>4 BY MR. VOGT:</p> <p>5 Q I just sent Exhibit 12.</p> <p>6 (Exhibit 12 was shown to the</p> <p>7 witness.)</p> <p>8 Q If you want to take a look through that and</p> <p>9 let me know when you're done.</p> <p>10 A I'm done reading.</p> <p>11 Q Have you ever seen this piece before?</p> <p>12 A I have not.</p> <p>13 Q Do you know Charles -- is it "Blow" or</p> <p>14 "Blow"?</p> <p>15 A "Blow."</p> <p>16 Q Do you know Charles Blow?</p> <p>17 A Not personally.</p> <p>18 Q Have you ever worked with him?</p> <p>19 A No. He -- no.</p> <p>20 Q Have you ever worked on any pieces that</p> <p>21 he's authored?</p> <p>22 A No.</p> <p>23 Q If you turn to the second page, there is a</p> <p>24 paragraph there says, "Yes, she's about as sharp as</p> <p>25 a wet balloon, but we already know that. How much</p>
<p style="text-align: right;">Page 63</p> <p>1 P. Lett</p> <p>2 establishment politicians that she had gleefully</p> <p>3 upended in the Alaska statehouse."</p> <p>4 Did you -- are you aware of any attacks on</p> <p>5 the media that were launched by Sarah Palin?</p> <p>6 MR. AXELROD: Objection to form.</p> <p>7 And Ms. Lett, if you need to read this</p> <p>8 article with respect to questions that are</p> <p>9 being asked about specific lines, please take</p> <p>10 your time --</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. AXELROD: -- to do so.</p> <p>13 A Can you repeat the question, please?</p> <p>14 Q Are you aware of any instances in which</p> <p>15 Sarah Palin has attacked the media?</p> <p>16 A I don't know.</p> <p>17 Q Are you aware of any instances in which</p> <p>18 Sarah Palin has attacked The New York Times?</p> <p>19 A I don't know.</p> <p>20 Q While you were working with the editorial</p> <p>21 board, did anyone ever discuss any attacks that</p> <p>22 Sarah Palin had made on the media or The New York</p> <p>23 Times?</p> <p>24 A I don't know.</p> <p>25 MR. AXELROD: Objection to form.</p>	<p style="text-align: right;">Page 65</p> <p>1 P. Lett</p> <p>2 time and energy must be to devoted to dissecting</p> <p>3 that? How is this constructive, or even instructive</p> <p>4 at this point? What purpose does it serve other</p> <p>5 than inflaming passions and Web clicks?"</p> <p>6 Do you see that part?</p> <p>7 A I do.</p> <p>8 Q Did you ever hear any discussions within</p> <p>9 the editorial board about whether certain subjects</p> <p>10 or topics generated viewership or readership within</p> <p>11 The Times?</p> <p>12 MR. AXELROD: Objection to form.</p> <p>13 You can answer.</p> <p>14 A Yes. We're a newspaper, so the topics that</p> <p>15 are of interest to our readers matters greatly to</p> <p>16 us.</p> <p>17 Q And did you ever hear any discussions where</p> <p>18 Sarah Palin was mentioned in that context?</p> <p>19 A Not to my recollection.</p> <p>20 Q Were there any programs or software or</p> <p>21 applications, things of that nature, that The Times</p> <p>22 used while you were working at the editorial board</p> <p>23 that tracked the performance of certain topics</p> <p>24 online?</p> <p>25 MR. AXELROD: Objection to form.</p>

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66 to 69

<p style="text-align: right;">Page 66</p> <p>1 P. Lett</p> <p>2 You can answer, if you know.</p> <p>3 A I can't speak for The Times broadly. I</p> <p>4 know that when we look for SCO, when we're looking</p> <p>5 for the best SCO when we want our pieces to show up</p> <p>6 for the audiences that are looking for them, we will</p> <p>7 look in Google Trends.</p> <p>8 Q And would that have been -- that process</p> <p>9 have been done in the June of 2017 time period?</p> <p>10 A That, I don't know.</p> <p>11 Q Who would have been responsible for SCO</p> <p>12 associated with particular editorials in the June of</p> <p>13 2017 time period?</p> <p>14 MR. AXELROD: Objection to form.</p> <p>15 A I don't know that we were actually using</p> <p>16 SCO yet. I don't -- I'm not sure when that went</p> <p>17 into place, so I can't answer that.</p> <p>18 Q Did -- are you familiar with what a Blossom</p> <p>19 bot is?</p> <p>20 A I believe Blossom tells us when a piece</p> <p>21 that we've published has content in it, that there's</p> <p>22 an uptick in interest in Google searches and trends</p> <p>23 on the Internet. However, I learned -- I don't work</p> <p>24 with that and I don't know very much about it. I</p> <p>25 don't even know if we still use it or were using it</p>	<p style="text-align: right;">Page 68</p> <p>1 P. Lett</p> <p>2 up in searches. If you'd like to retweet it, now</p> <p>3 would be a good time."</p> <p>4 Q And would it tell you what those keywords</p> <p>5 are?</p> <p>6 A No -- I don't know. It might have.</p> <p>7 Q And when it would tell you that, would it</p> <p>8 send you, like, a message on Slack giving you that</p> <p>9 information about the keywords being trending?</p> <p>10 MR. AXELROD: Objection to form.</p> <p>11 A No, it would not send a message.</p> <p>12 Q How would you get that information then?</p> <p>13 A Again, when we had Slack, which I don't</p> <p>14 know what the timeframe was on that, there was a</p> <p>15 dedicated channel in which Blossom would just be</p> <p>16 running its bot procedure.</p> <p>17 Q And was everyone on The Times a member of</p> <p>18 that channel?</p> <p>19 A No. I don't know who was a member of that</p> <p>20 channel.</p> <p>21 Q And then is there also -- within the Scoop</p> <p>22 system, does the Scoop content manager system --</p> <p>23 does it also track article performance?</p> <p>24 A No.</p> <p>25 Q And then in terms of the editorial board,</p>
<p style="text-align: right;">Page 67</p> <p>1 P. Lett</p> <p>2 then.</p> <p>3 Q Did you -- when Blossom was being used, how</p> <p>4 would that information get to you; in other words,</p> <p>5 when Blossom was telling you when a piece of content</p> <p>6 had trends on it, would you get an email or another</p> <p>7 kind of notification about that?</p> <p>8 MR. AXELROD: Objection to form.</p> <p>9 A Yeah, I don't know. I know, in the age of</p> <p>10 Slack -- there's -- the Blossom bot is a Slack bot</p> <p>11 that you can -- it just does it automatically. I</p> <p>12 don't know about 2017, how it came -- and again, my</p> <p>13 work didn't really overlap with that.</p> <p>14 Q And when you say it does it automatically,</p> <p>15 what do you mean by that? How would that work?</p> <p>16 A Well, it's a bot, and bots work without</p> <p>17 being told.</p> <p>18 Q And then when it -- say -- it would tell</p> <p>19 you when something was trending; is that fair to</p> <p>20 say?</p> <p>21 A I think that's how it works. I'm not</p> <p>22 entirely sure.</p> <p>23 I think it would -- from my experience,</p> <p>24 what I think it would do is say, "This piece on</p> <p>25 Ukraine has a lot of keywords in it that are showing</p>	<p style="text-align: right;">Page 69</p> <p>1 P. Lett</p> <p>2 would the editorial board get any regular reports</p> <p>3 about what topics were trending online?</p> <p>4 MR. AXELROD: Objection to form.</p> <p>5 A I don't believe so.</p> <p>6 Q And do you recall any instances, during the</p> <p>7 Monday, Tuesday, Thursday meetings of the board when</p> <p>8 the issue of topics that were trending, coming up</p> <p>9 during any of those meetings?</p> <p>10 A I don't -- that phrasing isn't correct.</p> <p>11 The -- each of the writers on the board had</p> <p>12 their own beat. And so, they would bring to these</p> <p>13 meetings the biggest topics in their beat and then</p> <p>14 the board would discuss them. So those topics were</p> <p>15 likely the things that one could call trending at</p> <p>16 the time. They were the big stories of the day in</p> <p>17 each beat. But never -- it was never informed by</p> <p>18 the Internet trends.</p> <p>19 (Exhibit 13 was shown to the</p> <p>20 witness.)</p> <p>21 Q Okay. If you could, take a look at</p> <p>22 Exhibit 13, which is a February 7 of 2017 email</p> <p>23 string between James Bennet and Brent Staples.</p> <p>24 Let me know when you're done looking</p> <p>25 through it.</p>

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Page 70	Page 72
<p>1 P. Lett</p> <p>2 A I'm done looking through it.</p> <p>3 Q Who's Brent Staples?</p> <p>4 A Brent Staples is a Pulitzer prize-winning</p> <p>5 editorial board writer.</p> <p>6 Q And have you ever worked with him before?</p> <p>7 A I have.</p> <p>8 Q Is he one of the senior members of the</p> <p>9 board?</p> <p>10 A What do you mean by "senior"?</p> <p>11 Q Is he one of the longest tenured?</p> <p>12 A He is, yes.</p> <p>13 Q And in this email string, if you look, on</p> <p>14 February 7 at 6:04 p.m. is where it starts with an</p> <p>15 email from Mr. Staples to Mr. Bennet.</p> <p>16 A Yes.</p> <p>17 Q He says, in the second paragraph, "For</p> <p>18 several weeks now, people - particularly younger</p> <p>19 ones - have been gathering around the department</p> <p>20 nervously discussing an impending move.</p> <p>21 "(Some of them first heard of it from a</p> <p>22 right-wing propaganda tweet - Sarah Palin claiming</p> <p>23 that The Times was desperately renting out floors</p> <p>24 because it was failing. I know this because a</p> <p>25 colleague sent me the tweet)."</p>	<p>1 P. Lett</p> <p>2 perhaps discussed in a meeting while I was away on</p> <p>3 vacation? If not, you might consider addressing it</p> <p>4 openly with the staff to dispel what has become a</p> <p>5 chronic source of background anxiety."</p> <p>6 Do you know, was there ever an open</p> <p>7 discussion or meeting about what Mr. Staples is</p> <p>8 discussing in this email?</p> <p>9 MR. AXELROD: Objection to form.</p> <p>10 A We certainly were told in group settings</p> <p>11 that we would be embarking on a move over the course</p> <p>12 of -- like, within the next couple of months or</p> <p>13 year, and the logistics of that was discussed in</p> <p>14 many group meetings, yes.</p> <p>15 Q In any of those group meetings, did the</p> <p>16 subject matter of Sarah Palin or her tweet come up?</p> <p>17 A No, no. It was about how many boxes you</p> <p>18 get to bring your stuff to your new desk.</p> <p>19 Q Do you know what the reason for the move</p> <p>20 was?</p> <p>21 A I believe for us to all enjoy open office</p> <p>22 seating.</p> <p>23 Q And so, after the move -- what floor were</p> <p>24 you on prior to the move?</p> <p>25 A Thirteen.</p>
Page 71	Page 73
<p>1 P. Lett</p> <p>2 During this time period of February of</p> <p>3 2017, do you recall this topic being discussed?</p> <p>4 MR. AXELROD: Objection to form.</p> <p>5 A I don't remember it being around this time.</p> <p>6 But when we did have to move floors, the subject of</p> <p>7 the move was a daily discussion of conversation --</p> <p>8 point of discussion, yes.</p> <p>9 Q When was the time period when you had to</p> <p>10 move floors?</p> <p>11 A I believe it was October of 2017. The</p> <p>12 company did it in stages, and I believe our stage</p> <p>13 was October-ish.</p> <p>14 Q And do you recall anything concerning the</p> <p>15 tweet that's referenced by Mr. Staples here as a</p> <p>16 right-wing propaganda tweet - Sarah Palin claiming</p> <p>17 that The Times was desperately renting out floors</p> <p>18 because it was failing?</p> <p>19 A No, I don't recall any tweet like that.</p> <p>20 Q Did you follow Sarah Palin on Twitter at</p> <p>21 any time?</p> <p>22 A I don't think so.</p> <p>23 Q And then Mr. Staples goes on to say, "As a</p> <p>24 senior guy, I have done what I can to tamp this</p> <p>25 down. But it is clearly feeding on itself. Was it</p>	<p>1 P. Lett</p> <p>2 Q Thirteen?</p> <p>3 A Thirteen.</p> <p>4 Q And so, after the move, the editorial board</p> <p>5 members no longer had their own offices; is that</p> <p>6 right?</p> <p>7 A Yes.</p> <p>8 MR. VOGT: Okay. Why don't we take a break</p> <p>9 there. Come back at 12:20.</p> <p>10 THE VIDEOGRAPHER: Off the record, 12:08.</p> <p>11 (Recess taken.)</p> <p>12 THE VIDEOGRAPHER: Back on the record,</p> <p>13 12:20.</p> <p>14 Q I want to talk now about the morning of the</p> <p>15 Scalise shooting on June 14, 2017.</p> <p>16 Do you recall that incident happening?</p> <p>17 A Yes, I recall the shooting happening.</p> <p>18 Q Do you recall how you first learned of it?</p> <p>19 A I do not.</p> <p>20 Q You were working that day, correct?</p> <p>21 A Yes.</p> <p>22 Q Do you know what time you got into the</p> <p>23 office?</p> <p>24 A I don't recall.</p> <p>25 Q Do you recall, at some point in time, the</p>

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<p style="text-align: right;">Page 74</p> <p>1 P. Lett</p> <p>2 Scalise shooting being discussed at the office?</p> <p>3 A I don't recall a particular discussion</p> <p>4 about it.</p> <p>5 Q Do you recall, at some point in time,</p> <p>6 learning that the board was going to write a piece</p> <p>7 on the shooting?</p> <p>8 A To be honest, I don't remember specific</p> <p>9 details about that day. It was not -- it didn't</p> <p>10 stand out in any way as different than any other day</p> <p>11 that we would cover the day's shooting -- the day's</p> <p>12 business or, in this case, unfortunately it was a</p> <p>13 shooting. So though I'm sure a conversation</p> <p>14 happened, I don't remember a specific one that I was</p> <p>15 privy to.</p> <p>16 Q Do you recall, that day, if you worked on</p> <p>17 anything else other than the editorial about the</p> <p>18 shooting?</p> <p>19 A I'm sure I did other work that day, but I</p> <p>20 don't recall what.</p> <p>21 Q Let me show you -- hold on one second.</p> <p>22 Let me show you Exhibit 15.</p> <p>23 (Exhibit 15 was shown to the</p> <p>24 witness.)</p> <p>25 Q Have you ever seen this email before?</p>	<p style="text-align: right;">Page 76</p> <p>1 P. Lett</p> <p>2 the documents provided in the -- in this -- for this</p> <p>3 trial.</p> <p>4 Q Okay.</p> <p>5 And you're talking about the documents that</p> <p>6 you were given by counsel. I don't want to know any</p> <p>7 specifics, but is that what you're referring to?</p> <p>8 A Yes.</p> <p>9 Q Okay.</p> <p>10 So you're included on the "to" line of an</p> <p>11 email from Mr. Semple at 11:59 a.m., but you don't</p> <p>12 recall receiving this email at the time; is that</p> <p>13 right?</p> <p>14 A I don't recall. It was rather unremarkable</p> <p>15 and a discussion about pieces happened -- took place</p> <p>16 over email often. So this was an unremarkable</p> <p>17 occurrence.</p> <p>18 Q And it was three years ago, so I get it.</p> <p>19 The people involved in this email, though,</p> <p>20 Robert Semple, Elizabeth Williamson, Linda Cohn,</p> <p>21 Eileen Lepping, and Nicholas Fox, was that a group</p> <p>22 that worked together often?</p> <p>23 A With the exception of Elizabeth Williamson,</p> <p>24 Linda, Eileen, myself, James, and Nick were all on</p> <p>25 the team that took the writing and edited it, fact</p>
<p style="text-align: right;">Page 75</p> <p>1 P. Lett</p> <p>2 A All right. It hasn't loaded for me yet.</p> <p>3 I have not seen this email before. I have</p> <p>4 seen the Bob Semple email before in these doc --</p> <p>5 court documents.</p> <p>6 Q Okay. Now, during this time period when</p> <p>7 this email string starts, 10:46 to 11:28 a.m., do</p> <p>8 you recall having any discussions during that time</p> <p>9 period about writing an editorial related to the</p> <p>10 Scalise shooting?</p> <p>11 A No, I don't recall.</p> <p>12 Q Do you recall whether Mr. Semple was in the</p> <p>13 office that day?</p> <p>14 A I don't recall specifically that day. But</p> <p>15 it was very rare for Bob to leave the office, in</p> <p>16 general, so I'd imagine he was.</p> <p>17 Q Do you know whether or not Mr. Fox was in</p> <p>18 the office that day?</p> <p>19 A I have no idea.</p> <p>20 Q I'm sending Exhibit 16.</p> <p>21 (Exhibit 16 was shown to the</p> <p>22 witness.)</p> <p>23 Q Do you recall whether you've ever seen this</p> <p>24 email string before?</p> <p>25 A I did not recall this at all until seeing</p>	<p style="text-align: right;">Page 77</p> <p>1 P. Lett</p> <p>2 checked it, had it copy edited, and ready to be</p> <p>3 published.</p> <p>4 Q And what was Mr. Semple's role at this</p> <p>5 time, June of 2017? Was he like an advisor to other</p> <p>6 people? Did he kind of oversee things -- is the</p> <p>7 impression that I get.</p> <p>8 A Yeah. Bob had worked at The Times for 50</p> <p>9 years-ish, if not more. And so, at that point, he</p> <p>10 was technically an editor of the -- for the page,</p> <p>11 but he read and shaped the language in a lot of our</p> <p>12 editorials with Linda and Nick, I guess, at that</p> <p>13 point.</p> <p>14 Q And was there -- we had talked about</p> <p>15 verticals earlier.</p> <p>16 Was the team that took on the writing, was</p> <p>17 that a vertical, what we could call a vertical?</p> <p>18 A No. We'd call that the editorial board.</p> <p>19 Q Okay.</p> <p>20 And if you look, Mr. Semple sent an email</p> <p>21 at 11:49 a.m. It says, "Okay. Meanwhile, Bob, we</p> <p>22 have written a ton (mainly Frank) on gun control.</p> <p>23 We did a huge series on it a few years ago."</p> <p>24 The "Frank" there that's mentioned is Frank</p> <p>25 Rich; is that right?</p>

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<p style="text-align: right;">Page 78</p> <p>1 P. Lett</p> <p>2 A Correct.</p> <p>3 Q Who is the Frank that's mentioned there?</p> <p>4 A Frank Clines was a writer on the editorial</p> <p>5 board.</p> <p>6 Q And who is he? What is he -- what's his</p> <p>7 background?</p> <p>8 A He retired around the same time as Bob, so</p> <p>9 he is of Bob's vintage, of Bob's generation. He,</p> <p>10 for the most part -- he was the kind of editorial</p> <p>11 board writer who would write about a lot of</p> <p>12 different things. He was sort of -- it was -- he</p> <p>13 was one of the writers who you could sort of ask him</p> <p>14 to write anything if someone was out or something</p> <p>15 like that.</p> <p>16 So he -- while he had a beat, I don't</p> <p>17 remember exactly what it was; he was more of just</p> <p>18 like a generalist writer for the board.</p> <p>19 Q And at that time, did he work out of the</p> <p>20 New York office in 2017?</p> <p>21 A He did, yes. I -- I believe, yeah, I think</p> <p>22 he was there.</p> <p>23 Q And by any chance, do you recall whether or</p> <p>24 not Mr. Clines was in the office on June 14 of 2017?</p> <p>25 A I don't know.</p>	<p style="text-align: right;">Page 80</p> <p>1 P. Lett</p> <p>2 Q How was the Google spreadsheet -- like, how</p> <p>3 and where was it kept?</p> <p>4 A It was kept as a Google spreadsheet and the</p> <p>5 editors would reference it every day to sort of keep</p> <p>6 track of where in the writing and editorial process</p> <p>7 the piece was.</p> <p>8 Q Was it saved electronically on any kind of</p> <p>9 system?</p> <p>10 A It wasn't, which -- yeah. Every day, we</p> <p>11 would erase the day prior and change it to the next</p> <p>12 day, to that day's pieces.</p> <p>13 Q And was there a one person who was</p> <p>14 responsible for maintaining and updating and then</p> <p>15 deleting that spreadsheet?</p> <p>16 A Yes. That was usually Eileen. If Eileen</p> <p>17 was on vacation, that would be me.</p> <p>18 Q And do you know whether any hard copies</p> <p>19 were saved of any of the DEW spreadsheets?</p> <p>20 A No, not to my knowledge, but I don't know.</p> <p>21 Q And would they be sent around to people to</p> <p>22 look at by email or were hard copies passed out?</p> <p>23 A I don't --</p> <p>24 MR. AXELROD: Objection to form.</p> <p>25 Q You can answer.</p>
<p style="text-align: right;">Page 79</p> <p>1 P. Lett</p> <p>2 Q At any point in time, did you do a search</p> <p>3 for any pieces that Mr. Clines wrote about gun</p> <p>4 control?</p> <p>5 A The only search I did was of the editorial</p> <p>6 board's archives for pieces about the Gabby Giffords</p> <p>7 shooting, as I was instructed to.</p> <p>8 Q There's a -- the last sentence of</p> <p>9 Mr. Semple's 11:49 a.m. email says, "I pout" -- but</p> <p>10 I think it's supposed to say "put" -- "the thing on</p> <p>11 the DEW for now as an alternate #3."</p> <p>12 What does DEW mean?</p> <p>13 A That's the DEW. It's what we called the</p> <p>14 Google spreadsheet that every day had one, two,</p> <p>15 three, and it would say the -- this is when we were</p> <p>16 writing three -- basically three to four editorials</p> <p>17 a day. And each line would say who -- what's being</p> <p>18 written or what the subject was, so it would be</p> <p>19 something like vaccine or something, which everyone</p> <p>20 who was privy to the meetings would understand as</p> <p>21 we're going to write about a new vaccine or</p> <p>22 whatever. It would say who the writer was and it</p> <p>23 would say who was editing it. So whether that was</p> <p>24 LC for Linda Cohn, or I think he went by BS, not RS,</p> <p>25 for Bob Semple. Things like that.</p>	<p style="text-align: right;">Page 81</p> <p>1 P. Lett</p> <p>2 A The answer is neither.</p> <p>3 Q So how would -- say, if Eileen was working</p> <p>4 on an update of the DEW, how would everyone else</p> <p>5 find out what was on it?</p> <p>6 A It was --</p> <p>7 MR. AXELROD: Objection to form.</p> <p>8 A It was general practice that you would --</p> <p>9 that the editors on that team, we call them back</p> <p>10 fielders, which means not the writers, but the</p> <p>11 people who work on the piece after it's been</p> <p>12 written, they would -- we would all keep it open as</p> <p>13 a tab in our web screen so that we could see -- in</p> <p>14 particular, if something was being moved to a</p> <p>15 different day, then we would know to stop</p> <p>16 prioritizing that and move to whatever we would need</p> <p>17 to.</p> <p>18 Q And do you know whether Mr. Bennet would</p> <p>19 have followed that practice, as well, of keeping the</p> <p>20 tab open?</p> <p>21 A I have no idea.</p> <p>22 Q Let me show you -- and you may not recall</p> <p>23 this either, but I just want to check.</p> <p>24 (Exhibit 17 was shown to the</p> <p>25 witness.)</p>



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82 to 85

<p style="text-align: right;">Page 82</p> <p>1 P. Lett</p> <p>2 Q Exhibit 17 looks like another one on the</p> <p>3 same string.</p> <p>4 Did you have any independent recollection</p> <p>5 of this email string?</p> <p>6 A No, I did not.</p> <p>7 Q Do you recall at all or at any point in</p> <p>8 time on the 14th someone bringing up the Giffords</p> <p>9 shooting in the context of the Scalise shooting?</p> <p>10 A I do not recall a specific discussion that</p> <p>11 day.</p> <p>12 Q Do you recall, at any point in time -- you</p> <p>13 may not remember the substance, but did you have</p> <p>14 any, like, meetings about the editorial that was</p> <p>15 being worked on on the 14th of 2017?</p> <p>16 MR. AXELROD: Objection to form.</p> <p>17 A I -- to my recollection, I did not</p> <p>18 participate in any of those meetings and I don't</p> <p>19 know if they took place.</p> <p>20 Q You don't know if they took place?</p> <p>21 A I had not heard of them before.</p> <p>22 Q Okay.</p> <p>23 What about phone calls, do you know whether</p> <p>24 or not any phone calls took place on June 14 of 2017</p> <p>25 regarding the editorial concerning the Scalise</p>	<p style="text-align: right;">Page 84</p> <p>1 P. Lett</p> <p>2 to any conversation between Ms. Williamson and</p> <p>3 Mr. Semple?</p> <p>4 A I was not.</p> <p>5 Q Do you recall, at any point in time, having</p> <p>6 any conversations with Mr. Semple that related to</p> <p>7 the editorial that was being written on June 14 of</p> <p>8 2017 concerning the Scalise shooting?</p> <p>9 A I do not recall any conversations like</p> <p>10 that.</p> <p>11 Q Let me show you -- I'm going to give you</p> <p>12 two exhibits, 22 and 23.</p> <p>13 Twenty-two should be an email from you on</p> <p>14 June 14 of 2017 at 12:54 p.m.</p> <p>15 And 23 should be an email from Mr. Semple</p> <p>16 on June 14, 2017 at 12:58 p.m. at the top of it.</p> <p>17 (Exhibit 22 was shown to the</p> <p>18 witness.)</p> <p>19 (Exhibit 23 was shown to the</p> <p>20 witness.)</p> <p>21 Q Do you see that?</p> <p>22 A Uh-huh.</p> <p>23 Q Okay.</p> <p>24 MR. AXELROD: Shane, Shane. Let me just</p> <p>25 slow you down here. We're getting these much</p>
<p style="text-align: right;">Page 83</p> <p>1 P. Lett</p> <p>2 shooting?</p> <p>3 A I do not recall any phone calls that day.</p> <p>4 Q Let me show you what's going to be marked</p> <p>5 as Exhibit 20. It should be a June 14 email from</p> <p>6 Mr. Bennet.</p> <p>7 (Exhibit 20 was shown to the</p> <p>8 witness.)</p> <p>9 Q Do you see that?</p> <p>10 A I do.</p> <p>11 Q Are you familiar with this email at all?</p> <p>12 A No, this is the first time I've seen it.</p> <p>13 Q Do you recall whether or not you had any</p> <p>14 conversations with Mr. Bennet on June 14 of 2017</p> <p>15 regarding the editorial on the Scalise shooting?</p> <p>16 A I do not recall any conversations with</p> <p>17 James on that day.</p> <p>18 Q Let me show you, now, Exhibit 21.</p> <p>19 (Exhibit 21 was shown to the</p> <p>20 witness.)</p> <p>21 Q I'm just going to ask quickly about the</p> <p>22 email from Ms. Williamson at 12:51 p.m. There at</p> <p>23 the top, she says, "Okay, shall do. Just spoke with</p> <p>24 Bob, as well."</p> <p>25 Do you know whether or not you were a party</p>	<p style="text-align: right;">Page 85</p> <p>1 P. Lett</p> <p>2 slower than you have them. If you could give</p> <p>3 her a little bit more time to look at them as</p> <p>4 they come up on the screen.</p> <p>5 Thanks.</p> <p>6 MR. VOGT: Yeah, no problem.</p> <p>7 MR. AXELROD: Thanks.</p> <p>8 BY MR. VOGT:</p> <p>9 Q Let me know when you've had a chance to</p> <p>10 look through those. Just do that for all of them.</p> <p>11 I'm going to assume that you're just going to look</p> <p>12 through them first, and then when you're done, just</p> <p>13 tell me, "Okay, I've looked through them," so I know</p> <p>14 when to start.</p> <p>15 MR. AXELROD: And I'm blaming it on the</p> <p>16 witness, but my computer is going a little bit</p> <p>17 more slow.</p> <p>18 MR. VOGT: If you want to tell me, too,</p> <p>19 David, that's fine. Give me a heads up and</p> <p>20 I'll wait until I hear from you guys.</p> <p>21 MR. AXELROD: I'm not saying you have to</p> <p>22 give us a ton of time. Just give us a little</p> <p>23 bit more time.</p> <p>24 MR. VOGT: Okay.</p> <p>25 BY MR. VOGT:</p>

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86 to 89

<p style="text-align: right;">Page 86</p> <p>1 P. Lett</p> <p>2 Q All right. So let's just start with 22,</p> <p>3 the email from you at 12:54 p.m. The subject on</p> <p>4 that is "Gun Control Past Pieces from Bob," and then</p> <p>5 you have four pieces there, links to them.</p> <p>6 Do you see that?</p> <p>7 A I do.</p> <p>8 Q And then if you look at Exhibit 23 on 4/14</p> <p>9 at 12:58 p.m., the email from Mr. Semple says,</p> <p>10 "Elizabeth, so as not to overwhelm you, I just asked</p> <p>11 Phoebe to send you four gun control pieces that also</p> <p>12 happen to mention Gabby Giffords." There is a part</p> <p>13 in the middle there, but...</p> <p>14 What I was going to ask you was do you</p> <p>15 remember the conversation you had with Mr. Semple</p> <p>16 where he asked you to send Ms. Williamson four basic</p> <p>17 gun control pieces?</p> <p>18 A I do not.</p> <p>19 Q And do you know whether it was a -- would</p> <p>20 have been a conversation or an email or some other</p> <p>21 type of message?</p> <p>22 A It would have been a conversation.</p> <p>23 Q And it would have been on the phone?</p> <p>24 A No. No, probably not. Bob probably would</p> <p>25 have come to my office and said, hey, kid, get me</p>	<p style="text-align: right;">Page 88</p> <p>1 P. Lett</p> <p>2 Q Okay. Let me show you Exhibit 24.</p> <p>3 A Yup.</p> <p>4 (Exhibit 24 was shown to the</p> <p>5 witness.)</p> <p>6 Q And there's an email from Ms. Williamson at</p> <p>7 the top. It says, "Phoebe, Thanks. Is there one</p> <p>8 that references hate-type speech against Dems and</p> <p>9 the run-up to her shooting. James referenced that.</p> <p>10 Thanks, E."</p> <p>11 Do you recall this email?</p> <p>12 A I did not recall it until I was told to</p> <p>13 retain documents.</p> <p>14 Q And do you recall any other communications</p> <p>15 that you had with anyone between 12:54 p.m. when you</p> <p>16 sent the four links and this email from</p> <p>17 Ms. Williamson at 1:40 p.m.?</p> <p>18 A No, I don't recall any other conversation.</p> <p>19 Q And then let me show you 25.</p> <p>20 (Exhibit 25 was shown to the</p> <p>21 witness.)</p> <p>22 A Sorry, it's not loading. Give me a second.</p> <p>23 Q It should be a June 14, 2017, email from</p> <p>24 you at 2:21 p.m.</p> <p>25 Do you see that?</p>
<p style="text-align: right;">Page 87</p> <p>1 P. Lett</p> <p>2 blank, as he had for all of my life there.</p> <p>3 Q Where was -- where was Bob's office in</p> <p>4 relation to yours, your desk area?</p> <p>5 A Bob's office was around the corner of the</p> <p>6 building. So maybe 50 feet.</p> <p>7 Q And where was Mr. Bennet's office in</p> <p>8 relation to yours?</p> <p>9 A In the other direction, further down the</p> <p>10 side of the building that I resided -- that I was</p> <p>11 kept at. The south side of the building.</p> <p>12 Q Did you -- do you know whether, when you</p> <p>13 spoke with Mr. Semple -- obviously you pulled these</p> <p>14 four pieces in Exhibit 22.</p> <p>15 Do you know whether he told you, "Pull</p> <p>16 these four specific pieces"?</p> <p>17 A As I said, I don't recall the conversation</p> <p>18 at all. It was apparently unremarkable. But it</p> <p>19 seems like, from this email that you just shared in</p> <p>20 Exhibit 23, that he did ask me to find those</p> <p>21 specific pieces.</p> <p>22 Q And do you recall anything else that he</p> <p>23 asked you to do?</p> <p>24 A No. To be honest, I did not remember this</p> <p>25 ask until I was asked to retain documents.</p>	<p style="text-align: right;">Page 89</p> <p>1 P. Lett</p> <p>2 A Yes.</p> <p>3 Q All right. And you say there, "We never</p> <p>4 ran an editorial on it. Frank Rich wrote this</p> <p>5 piece" -- this piece is underlined -- "on it, but</p> <p>6 the board never did. James was just wondering if</p> <p>7 there had been one, he says."</p> <p>8 Now "this piece" is a hyperlink, correct?</p> <p>9 A Yes.</p> <p>10 Q And do you know why -- or let me ask you</p> <p>11 this.</p> <p>12 Once you got the email from Ms. Williamson</p> <p>13 at 11:40 p.m. where she says "is there one that</p> <p>14 references hate-type" --</p> <p>15 A You mean 1:40?</p> <p>16 Q Yeah, 1:40, I'm sorry.</p> <p>17 Did you actually look for articles that</p> <p>18 reference the hate-type speech against Dems and the</p> <p>19 run-up to the Gabby Giffords shooting?</p> <p>20 A I don't recall doing that, but I must have,</p> <p>21 given my response.</p> <p>22 Q Do you have any recollection of what</p> <p>23 sources you would have searched for?</p> <p>24 A Yes. My practice was to go onto</p> <p>25 thenewyorktimes.com/opinion. And if you clicked on</p>



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90 to 93

<p style="text-align: right;">Page 90</p> <p>1 P. Lett</p> <p>2 the section of the -- section that said</p> <p>3 "editorials," it would lead you to a list of all of</p> <p>4 the editorials that came with the search bar. And</p> <p>5 so, that's where I would start whenever I was asked</p> <p>6 what our past position had been on anything, was to</p> <p>7 look for keywords in that search box. So I assume</p> <p>8 that's what I did here.</p> <p>9 Q Do you recall what keywords you used for</p> <p>10 this particular search?</p> <p>11 A I don't recall. Again, this was one of</p> <p>12 millions of requests like this that I took over the</p> <p>13 years. But I'd feel certain that it probably had</p> <p>14 the words "Gabby Giffords" in it.</p> <p>15 Q Do you know whether it had the phrase</p> <p>16 "Palin" in it?</p> <p>17 A I don't think I looked for her name. I</p> <p>18 believe I was instructed to look for Gabby</p> <p>19 Giffords-centered pieces and that's what I looked</p> <p>20 for.</p> <p>21 Q Do you remember if you used any search</p> <p>22 terms that would have been related to hate-type</p> <p>23 speech?</p> <p>24 A I don't know how I would have searched for</p> <p>25 that, so I imagine that I just looked at everything</p>	<p style="text-align: right;">Page 92</p> <p>1 P. Lett</p> <p>2 Q All right. I'm sending 26. Let me know</p> <p>3 when you've got that and had a chance to look at it.</p> <p>4 A Yup.</p> <p>5 (Exhibit 26 was shown to the</p> <p>6 witness.)</p> <p>7 Q And do you -- this is an email string,</p> <p>8 again, on June 14 of 2017 between you and</p> <p>9 Mr. Bennet.</p> <p>10 Did you have any independent recollection</p> <p>11 of this email string?</p> <p>12 A Again, I did not -- I honestly thought that</p> <p>13 I was not involved in this in any way until the rude</p> <p>14 awakening. So I don't personally recall this at</p> <p>15 all.</p> <p>16 Q So at 1:46, after Ms. Williamson emailed</p> <p>17 you about whether or not there was one that</p> <p>18 referenced hate-type speech against the Dems and the</p> <p>19 run-up toward her shooting, after that at 1:46, you</p> <p>20 emailed Mr. Bennet and said, "I'm trying to find the</p> <p>21 piece Elizabeth is referring to here. Do you happen</p> <p>22 to know which one she's referring to?"</p> <p>23 At 2:07, he responds, "No. I was just</p> <p>24 wondering if there was such a piece; that is, did we</p> <p>25 ever write anything connecting to the Giffords</p>
<p style="text-align: right;">Page 91</p> <p>1 P. Lett</p> <p>2 we ever sent that contained the phrase "Gabby</p> <p>3 Giffords" in it and inferred from there.</p> <p>4 Q And that would have been, at that time,</p> <p>5 just within the editorials; is that right?</p> <p>6 A Correct, yes.</p> <p>7 Q And so we're clear for the record,</p> <p>8 editorials, is that just pieces that are written by</p> <p>9 the editorial board?</p> <p>10 A Correct. It's not -- not the easiest thing</p> <p>11 to understand, even internally, I understand that.</p> <p>12 Q So it would not have included things like</p> <p>13 op-ed pieces, right?</p> <p>14 A Yeah, never. We never -- none of the op-ed</p> <p>15 writers or columnists were members of the board and</p> <p>16 their work was separate from the editorial board</p> <p>17 entirely.</p> <p>18 Q And do you know whether or not you would</p> <p>19 have saved the results of your research?</p> <p>20 A No. The email included here is that record</p> <p>21 of the results of my research.</p> <p>22 Q And then, so, the links that are in the</p> <p>23 email, would you have just copied the link on the</p> <p>24 particular piece and then pasted that into an email?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 93</p> <p>1 P. Lett</p> <p>2 shooting some type of incitement?"</p> <p>3 Now, do you know whether, when you were</p> <p>4 conducting research on this particular issue that's</p> <p>5 referenced in this email, did you include any</p> <p>6 keywords that related to the word "incitement"?</p> <p>7 A I don't recall. As I said, I think I</p> <p>8 looked through all of the pieces that had referenced</p> <p>9 Gabby Giffords, and that was the best way to find</p> <p>10 what I thought -- what I inferred they were looking</p> <p>11 for.</p> <p>12 Q What was your understanding of what</p> <p>13 Mr. Bennet meant in this email when he says</p> <p>14 "incitement"?</p> <p>15 MR. AXELROD: Objection to form.</p> <p>16 A Yeah, I don't -- I don't know what James</p> <p>17 meant. Yeah, I don't know.</p> <p>18 Q Did you ask him what he meant?</p> <p>19 A Well, this is an email asking him what he</p> <p>20 meant, so yes.</p> <p>21 Q When you say this is an email asking him</p> <p>22 what he meant, what do you mean? Do you mean your</p> <p>23 email at 2:20?</p> <p>24 A No. I mean the email at 1:46 that I sent</p> <p>25 asking him which piece Elizabeth says he referenced.</p>

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94 to 97

<p style="text-align: right;">Page 94</p> <p>1 P. Lett</p> <p>2 Q Right. And then at 27 -- 2:07, he</p> <p>3 responds, "No, I was just wondering if there was</p> <p>4 such a piece; that is, did we ever write anything</p> <p>5 connecting the Giffords shooting to some kind of</p> <p>6 incitement?"</p> <p>7 So after he sent that email to you at 2:07,</p> <p>8 did you ever follow up to ask him what he meant by</p> <p>9 "incitement"?</p> <p>10 A No.</p> <p>11 Q And then at 2:20, you respond and you said,</p> <p>12 "No, but Frank Rich did," and then you have a link</p> <p>13 there to a Frank Rich piece.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And then at 2:34, Mr. Bennet responded,</p> <p>17 "Good for us."</p> <p>18 Do you know what he meant by that?</p> <p>19 A I do not know.</p> <p>20 MR. AXELROD: Objection to form.</p> <p>21 Q Now, do you recall, at any point in time on</p> <p>22 June 14th of 2017, having any conversations with</p> <p>23 Mr. Bennet about this research that you were doing</p> <p>24 that's memorialized in Exhibit 26?</p> <p>25 A Exhibit 26 is the extent of the</p>	<p style="text-align: right;">Page 96</p> <p>1 P. Lett</p> <p>2 Ms. Williamson, correct?</p> <p>3 A Correct.</p> <p>4 Q And in connection with that, do you recall</p> <p>5 having any conversations or discussions with</p> <p>6 Mr. Bennet?</p> <p>7 A I do not.</p> <p>8 Q And then if you take a look at Exhibit 29.</p> <p>9 (Exhibit 29 was shown to the</p> <p>10 witness.)</p> <p>11 Q Let me know when that one comes through.</p> <p>12 A Yup.</p> <p>13 Q Okay.</p> <p>14 So after you send -- after you forward the</p> <p>15 four Opinion pieces to Mr. Bennet that you had</p> <p>16 initially sent Ms. Williamson, at 3:01 p.m., you</p> <p>17 sent Mr. Bennet two more pieces.</p> <p>18 Do you see that?</p> <p>19 A I do see that.</p> <p>20 Q And what led you to pulling these pieces?</p> <p>21 A I have no recollection of this email and it</p> <p>22 did not come up in my search of my own information</p> <p>23 on this for the lawyers, so this is the first time</p> <p>24 I've seen it, I assume, since 2017. Because we did</p> <p>25 not use good SCO practice, I can't even tell you</p>
<p style="text-align: right;">Page 95</p> <p>1 P. Lett</p> <p>2 conversation.</p> <p>3 Q So it was just by email?</p> <p>4 A Correct.</p> <p>5 Q All right. I'm sending through Exhibit 27.</p> <p>6 Let me know when you get that one.</p> <p>7 A I have it.</p> <p>8 (Exhibit 27 was shown to the</p> <p>9 witness.)</p> <p>10 Q Did you have any independent recollection</p> <p>11 of these emails?</p> <p>12 A Again, no.</p> <p>13 Q And then I'm not going to go through the</p> <p>14 whole string, but at 2:52, Mr. Bennet asks you to</p> <p>15 send him the pieces that you sent to Ms. Williamson;</p> <p>16 is that right?</p> <p>17 A Yes, that's correct.</p> <p>18 Q And do you know why he was asking you that?</p> <p>19 A I do not know, no.</p> <p>20 Q And then I'm sending number 28.</p> <p>21 (Exhibit 28 was shown to the</p> <p>22 witness.)</p> <p>23 Q And this is just a copy of the email where</p> <p>24 you actually forward Mr. Bennet the articles that</p> <p>25 you -- or the pieces that you had sent to</p>	<p style="text-align: right;">Page 97</p> <p>1 P. Lett</p> <p>2 what those links are about because they use our</p> <p>3 internal language for how we would refer to a piece.</p> <p>4 So all I know about this is the first one was</p> <p>5 published on Monday -- the first piece was published</p> <p>6 on Monday, the 10th of January, and the second one</p> <p>7 was published on Thursday, the 13th of January.</p> <p>8 Q Okay.</p> <p>9 So between 2:52 p.m. and 3:01 p.m., do you</p> <p>10 recall whether or not you were still researching the</p> <p>11 issue that Mr. Bennet had told you to take a look</p> <p>12 at?</p> <p>13 A I don't recall. But judging by this email,</p> <p>14 it seems I was.</p> <p>15 Q And I think you mentioned this earlier in</p> <p>16 your deposition, but you did say, at some point, you</p> <p>17 researched the issue that Mr. Bennet had asked you</p> <p>18 to look at concerning hate-type speech against Dems</p> <p>19 leading up to the Giffords shooting.</p> <p>20 You researched that in areas outside</p> <p>21 editorials; is that correct?</p> <p>22 MR. AXELROD: Objection to form.</p> <p>23 A Yeah, I don't recall what exactly I did.</p> <p>24 But it's good practice for the writers and editors</p> <p>25 to know, perhaps, everything that we have -- our</p>

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98 to 101

<p style="text-align: right;">Page 98</p> <p>1 P. Lett</p> <p>2 section, in particular, has published on a</p> <p>3 particular topic so that we can dispute or correct</p> <p>4 or reference and build off of in any way, yup.</p> <p>5 Q And was that -- would that have been your</p> <p>6 standard practice at the time as of June 14th of</p> <p>7 2017?</p> <p>8 A It -- it would be the standard practice for</p> <p>9 a request that was, "What have we written on X?" So</p> <p>10 a retrospective task, I would usually only keep it</p> <p>11 to what the board itself had written. But since the</p> <p>12 answer wasn't very much, I must have expanded my</p> <p>13 search to the broader Opinion section.</p> <p>14 Q And so, as we sit here today, is it -- is</p> <p>15 it more likely than not that you did expand your</p> <p>16 research in connection with the June 14, 2017,</p> <p>17 editorial outside of pieces written by the board?</p> <p>18 A You know, as I said, this was a thoroughly</p> <p>19 unremarkable day for me, other than obviously I</p> <p>20 remember that news story, but I don't remember</p> <p>21 anything that I did that day. Because I only came</p> <p>22 up with Frank Rich's piece and not the earlier</p> <p>23 pieces that you've shown us here, I'm guessing that</p> <p>24 Frank's piece might have accidentally been</p> <p>25 classified as a board piece and that's why I saw it.</p>	<p style="text-align: right;">Page 100</p> <p>1 P. Lett</p> <p>2 public, went to that space and did a search, I'd be</p> <p>3 able to see whether or not Mr. Rich's article showed</p> <p>4 up under that Opinion tag?</p> <p>5 A I believe -- if it is given the right tag</p> <p>6 or classification, then it should, yes.</p> <p>7 Q Okay.</p> <p>8 A Not under the board, I just want to make</p> <p>9 that clear. Because he was not a member of the</p> <p>10 board.</p> <p>11 Q Right. Mr. Rich wasn't, he was an op-ed</p> <p>12 columnist, correct?</p> <p>13 A Yes. He was either a contributor or a</p> <p>14 columnist. I'm not sure what his technical role</p> <p>15 was.</p> <p>16 Q All right. And let me just show you so</p> <p>17 it's there, Exhibit 30.</p> <p>18 (Exhibit 30 was shown to the</p> <p>19 witness.)</p> <p>20 Q This one may take a little while to go</p> <p>21 through because it's bigger.</p> <p>22 A Okay.</p> <p>23 Q And I believe these would be all of the</p> <p>24 pieces that line up with the links that you'd sent</p> <p>25 throughout the time period that you were doing</p>
<p style="text-align: right;">Page 99</p> <p>1 P. Lett</p> <p>2 I'm not entirely sure why it was just that piece and</p> <p>3 why that piece, in general, showed up here.</p> <p>4 Q Okay.</p> <p>5 How -- is there a way you could tell how</p> <p>6 Mr. Rich's piece was classified?</p> <p>7 A There's a way one could tell. The way I</p> <p>8 could tell was from what we call the "front end,"</p> <p>9 which is the section front. So, again, I don't</p> <p>10 remember how I came to sending that particular</p> <p>11 op-ed. But because it was the only one that I</p> <p>12 found, I'm guessing my search was faulty because</p> <p>13 there were obviously other pieces about this</p> <p>14 subject.</p> <p>15 Q Well, do you know whether this was the only</p> <p>16 one that you found or if it was just the only one</p> <p>17 that you sent?</p> <p>18 A I don't recall.</p> <p>19 Q And when you said "front end" there, what's</p> <p>20 "front end" mean?</p> <p>21 A Like any digital entity, the front end is</p> <p>22 the end through which the client or customer</p> <p>23 interacts. So our section front at</p> <p>24 nytimes.com/opinion would be the front end.</p> <p>25 Q And so, if, like, I, as a member of the</p>	<p style="text-align: right;">Page 101</p> <p>1 P. Lett</p> <p>2 research.</p> <p>3 Do you have any independent recollection of</p> <p>4 looking at or reviewing these pieces in Exhibit 30?</p> <p>5 MR. AXELROD: Objection to form.</p> <p>6 A I don't have a recollection of viewing</p> <p>7 these specific pieces.</p> <p>8 Q And do you recall, other than pulling these</p> <p>9 pieces that we've been looking at and these email</p> <p>10 strings, do you recall any other research that you</p> <p>11 would have done on June 14 of 2017?</p> <p>12 A I do not. Again, I don't recall, really,</p> <p>13 any details about that day.</p> <p>14 Q Let me show you -- this is a larger</p> <p>15 exhibit, so it may take a little while to go</p> <p>16 through. It's still uploading on my end.</p> <p>17 (Exhibit 32 was shown to the</p> <p>18 witness.)</p> <p>19 A Am I supposed to read all of this?</p> <p>20 Q No, no, sorry. I hadn't known if it had</p> <p>21 gone through on your end or not.</p> <p>22 I'm just going to ask you, if you look at</p> <p>23 the first page, do you know what this is?</p> <p>24 A It looks like it is the record of changes</p> <p>25 that happened to the article "America's Lethal</p>

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102 to 105

<p style="text-align: right;">Page 102</p> <p>1 P. Lett</p> <p>2 Politics."</p> <p>3 Q And do you know what content management</p> <p>4 system this is in?</p> <p>5 A I don't. I don't think it's Scoop</p> <p>6 because -- but I don't know. I don't know which</p> <p>7 one, whether it was this or the old one. CCI we</p> <p>8 called it, the old one, I think.</p> <p>9 Q And do you recall whether or not, at any</p> <p>10 point in time, you would have accessed the editorial</p> <p>11 in the content management system on June 14 of 2017?</p> <p>12 MR. AXELROD: Objection to form.</p> <p>13 A Can you restate the question, please?</p> <p>14 Q Yeah.</p> <p>15 Do you have any independent recollection of</p> <p>16 accessing the editorial, "America's Lethal</p> <p>17 Politics," on the content management system on</p> <p>18 June 14 of 2017?</p> <p>19 A I do not.</p> <p>20 Q Do you know who was responsible for fact</p> <p>21 checking the editorial "America's Lethal Politics"?</p> <p>22 A Because it was not me, I'm fairly certain</p> <p>23 it would have been Eileen Lepping.</p> <p>24 Q But you're certain it was not you?</p> <p>25 A I have no recollection of fact checking</p>	<p style="text-align: right;">Page 104</p> <p>1 P. Lett</p> <p>2 Scoop because Scoop doesn't call it "back field"</p> <p>3 anymore. Though, internally, the people who are</p> <p>4 trained on CCI, I guess, continue -- I mean, most</p> <p>5 people refer to any nonwriting edits as back</p> <p>6 fielding. And because that's not the particular</p> <p>7 language of Scoop, I would guess that this is not --</p> <p>8 was not in Scoop. But, again, I'm not sure.</p> <p>9 Q All right.</p> <p>10 And if you look on the first page, do you</p> <p>11 recall, at any point in time on June 14 of 2017,</p> <p>12 reviewing a draft version of the editorial that was</p> <p>13 prepared by Elizabeth Williamson?</p> <p>14 A I don't recall. I don't recall doing that.</p> <p>15 That's not to say I didn't, but I just have no</p> <p>16 standout recollection of doing so.</p> <p>17 Q And then if you look in the third</p> <p>18 paragraph, there is a section there that says --</p> <p>19 highlighted that says, "need to check/update."</p> <p>20 Would that typically be a way that someone</p> <p>21 would give an indication to the fact checker that</p> <p>22 they wanted them to look at this issue?</p> <p>23 A Yeah. That's a, that's a good example of</p> <p>24 one way. Particularly on unfolding stories, for</p> <p>25 instance, in the case that people were injured and</p>
<p style="text-align: right;">Page 103</p> <p>1 P. Lett</p> <p>2 this.</p> <p>3 Q Have you ever had any conversations or</p> <p>4 discussions with Ms. Lepping about the "America's</p> <p>5 Lethal Politics" editorial?</p> <p>6 A None that stand out to my memory. We</p> <p>7 talked about any pieces that the board was writing</p> <p>8 on a given day so that -- especially on a day of</p> <p>9 breaking news; that if she needed help with, maybe,</p> <p>10 a less urgent piece, I might take that to fact</p> <p>11 check.</p> <p>12 So while I don't recall a single instance,</p> <p>13 it was very much part of our practice to be informed</p> <p>14 as to what the board would be writing about that</p> <p>15 day.</p> <p>16 Q Let me show you now Exhibit 33.</p> <p>17 A Yes.</p> <p>18 (Exhibit 33 was shown to the</p> <p>19 witness.)</p> <p>20 Q If you look on the second page, bottom of</p> <p>21 the text where it says Elizabeth Williamson, back</p> <p>22 field, 6/14/2017, 4:44 p.m., does that give you any</p> <p>23 indication as to what content management system this</p> <p>24 might have been in?</p> <p>25 A That makes me think it was CCI and not</p>	<p style="text-align: right;">Page 105</p> <p>1 P. Lett</p> <p>2 the number of which might change over the course of</p> <p>3 the day, the number of the survivors might change</p> <p>4 over the course of the day, that would be something</p> <p>5 that we would continue to check until the moment of</p> <p>6 publishing.</p> <p>7 Q And then if you look a couple of paragraphs</p> <p>8 down, the word "circulated" is blue and underlined?</p> <p>9 A Yes.</p> <p>10 Q And that would be a hyperlink, correct?</p> <p>11 A Correct.</p> <p>12 Q Now, typically, when a piece like this is</p> <p>13 being fact checked, what would the fact checker do</p> <p>14 when they saw a hyperlink like that?</p> <p>15 MR. AXELROD: Objection to form.</p> <p>16 Q You can answer.</p> <p>17 A Click on it, and then find other sources to</p> <p>18 verify it, verify the claims that it was in.</p> <p>19 Q And when you -- when you go to other --</p> <p>20 find other sources to verify the claim that was in</p> <p>21 there, would you save those sources?</p> <p>22 A No.</p> <p>23 MR. AXELROD: Objection to form.</p> <p>24 A No, not typically. Saving -- if it was of</p> <p>25 contention. So if someone was like, "Are you sure</p>

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<p style="text-align: right;">Page 106</p> <p>1 P. Lett</p> <p>2 that we have 52,000 nuclear warheads?" I might put</p> <p>3 the hyperlink in a comment so as to show others, and</p> <p>4 that would be a form of, I guess, saving it. But it</p> <p>5 wouldn't go into the piece itself; it would be in</p> <p>6 the back field.</p> <p>7 Q So if -- if a question ever came up later</p> <p>8 on once a piece was published about whether a fact</p> <p>9 was accurate or not, would there ever be a way to go</p> <p>10 back and see what the second source was that</p> <p>11 validated the claim made in the first source?</p> <p>12 MR. AXELROD: Objection to form.</p> <p>13 A Yeah. The -- what would happen is the fact</p> <p>14 checker would be asked where they verified the fact,</p> <p>15 and the fact checker would go, perhaps, into their</p> <p>16 own history. Or if it was checked through a phone</p> <p>17 call of sources or something like that, it would all</p> <p>18 depend on the fact and how it was verified.</p> <p>19 Q When you say "history," are you referring</p> <p>20 to search history?</p> <p>21 A Yeah.</p> <p>22 Q Would you save your search history?</p> <p>23 A I assume it's saved somehow. But</p> <p>24 intentionally saving, no.</p> <p>25 Q Would you ever delete your search history?</p>	<p style="text-align: right;">Page 108</p> <p>1 P. Lett</p> <p>2 Q Let me show you Exhibit 34. Let me know</p> <p>3 when that comes through.</p> <p>4 A Yup, I have it.</p> <p>5 (Exhibit 34 was shown to the</p> <p>6 witness.)</p> <p>7 Q Have you ever seen this article before?</p> <p>8 A Not to my recollection, no.</p> <p>9 Q Do you know whether or not this is the</p> <p>10 article that is hyperlated -- I'm sorry, hyperlinked</p> <p>11 as circulated in Exhibit 33 that I just showed you?</p> <p>12 A I have no idea what's hyperlinked.</p> <p>13 Q Did you ever review the "America's Lethal</p> <p>14 Politics" once it was published online?</p> <p>15 A I don't know.</p> <p>16 Q Do you know whether you ever read the</p> <p>17 editorial "America's Lethal Politics" once it was</p> <p>18 published in print?</p> <p>19 A I assume I read it. I read basically all</p> <p>20 the editorials after they were published, but I</p> <p>21 don't have a recollection of doing so.</p> <p>22 Q Other than what we've talked about so far</p> <p>23 with respect to the events of June 14 of 2017, do</p> <p>24 you recall any other research that you conducted in</p> <p>25 connection with the "America's Lethal Politics"</p>
<p style="text-align: right;">Page 107</p> <p>1 P. Lett</p> <p>2 A No.</p> <p>3 Q You never deleted it?</p> <p>4 A Oh, I don't know. I have no idea if I</p> <p>5 never deleted it. It's a work computer, so I</p> <p>6 assumed there was a record somehow.</p> <p>7 Q Do you have the same work computer now that</p> <p>8 you had in 2017?</p> <p>9 A I do.</p> <p>10 Q Did anyone ever ask you to look through</p> <p>11 your search history in connection with documents for</p> <p>12 this case?</p> <p>13 MR. AXELROD: And Ms. Lett, I'm going to</p> <p>14 ask you there to not answer with respect to</p> <p>15 communications with lawyers. But to the extent</p> <p>16 anyone else besides a lawyer asked you to do</p> <p>17 so, you can say that.</p> <p>18 A No.</p> <p>19 Q Okay.</p> <p>20 When the switch was made from the CCI</p> <p>21 content management system to Scoop, was everything</p> <p>22 transferred over to Scoop, like all the old stuff?</p> <p>23 A No. Yeah, I don't think -- I don't think</p> <p>24 so. I'm not sure. I don't really know about the</p> <p>25 archival side of our content management systems.</p>	<p style="text-align: right;">Page 109</p> <p>1 P. Lett</p> <p>2 editorial?</p> <p>3 MR. AXELROD: Objection to form.</p> <p>4 A I don't recall.</p> <p>5 Q And other than what we've talked about so</p> <p>6 far, do you recall any conversations that you had</p> <p>7 with anyone on June 14 of 2017 related to the</p> <p>8 "America's Lethal Politics" editorial?</p> <p>9 MR. AXELROD: Objection to form. Asked and</p> <p>10 answered.</p> <p>11 Q You can answer.</p> <p>12 A As I said, I don't recall a single detail</p> <p>13 about that day.</p> <p>14 Q Did there come a point in time on either</p> <p>15 June 14 or June 15 when you learned that there were</p> <p>16 some questions being raised about the "America's</p> <p>17 Lethal Politics" editorial?</p> <p>18 A I don't recall the moment, though I have</p> <p>19 seen the email correspondence in which Eileen</p> <p>20 Lepping shared with me the fact that there would be</p> <p>21 a correction. So I know that I was kept up to date</p> <p>22 with us issuing a correction, but I don't recall the</p> <p>23 conversation. Again, it was sort of unremarkable,</p> <p>24 though we took corrections very seriously and were</p> <p>25 very -- wanted to be very sure that we continued to</p>

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<p style="text-align: right;">Page 110</p> <p>1 P. Lett</p> <p>2 reflect an accurate record. It's not very uncommon</p> <p>3 when you're constantly creating as accurate news as</p> <p>4 you can to need to return to correct something.</p> <p>5 Q Do you remember who told you that a</p> <p>6 correction was going to be issued?</p> <p>7 A I don't. But it seems as though Eileen</p> <p>8 Lepping would have been the person.</p> <p>9 Q I'm sending you what I'm marking as 37A.</p> <p>10 A Received.</p> <p>11 (Exhibit 37A was shown to the</p> <p>12 witness.)</p> <p>13 Q And the top email is from Ms. Lepping to</p> <p>14 you on 6/15 at 11:02 a.m., and she forwards an email</p> <p>15 to Mr. Bennet at 5:08 a.m.</p> <p>16 Do you see that?</p> <p>17 A I do.</p> <p>18 Q Do you recall this email?</p> <p>19 A I do not, but -- yeah, I don't remember it.</p> <p>20 Q Do you recall having any conversations with</p> <p>21 Ms. Lepping on June 15, 2017, regarding the content</p> <p>22 of this email in Exhibit 37A?</p> <p>23 A I don't recall.</p> <p>24 Q Do you recall on June 15 of 2017 being</p> <p>25 involved in conducting any research that related to</p>	<p style="text-align: right;">Page 112</p> <p>1 P. Lett</p> <p>2 A Correct.</p> <p>3 Q Do you know who's on that group email?</p> <p>4 A I don't, specifically, but it's likely</p> <p>5 anyone on the editorial side in Opinion.</p> <p>6 Q Would that include Mr. Bennet?</p> <p>7 A I don't know.</p> <p>8 Q And what is Exhibit 45?</p> <p>9 A So this is a daily email that we -- I don't</p> <p>10 know if we still do this, but, at the time, it was a</p> <p>11 way for the night editors to update the people who</p> <p>12 would come in in the morning as to the state of all</p> <p>13 the pieces that we planned to publish. So that</p> <p>14 could mean anything from somebody didn't file or</p> <p>15 still waiting on a photo to be added to this</p> <p>16 article. Anything that the morning editors would</p> <p>17 need to know that the evening editors and copy</p> <p>18 editors had pushed forward.</p> <p>19 Q And then there's a part that says</p> <p>20 "Newsletter"?</p> <p>21 A Yes.</p> <p>22 Q With a link there that says "scoop" in it.</p> <p>23 A Yup.</p> <p>24 Q Would that be an indication that Scoop was</p> <p>25 being used at this time?</p>
<p style="text-align: right;">Page 111</p> <p>1 P. Lett</p> <p>2 the "America's Lethal Politics" editorial?</p> <p>3 A I don't believe I did, but I don't recall.</p> <p>4 Q Do you recall having any other written</p> <p>5 communications with anyone on June 15 of 2017 that</p> <p>6 related to the "America's Lethal Politics"</p> <p>7 editorial?</p> <p>8 A I don't have any memory of any</p> <p>9 communications about it, so I -- to my knowledge,</p> <p>10 no.</p> <p>11 Q Were you involved at all in working on the</p> <p>12 correction that was issued for the "America's Lethal</p> <p>13 Politics" editorial?</p> <p>14 A I don't recall. The person who works on</p> <p>15 the correction is the person who fact checked the</p> <p>16 piece. And since I don't believe I participated in</p> <p>17 that, I would not have been included.</p> <p>18 Q Let me show you Exhibit 45.</p> <p>19 A Uh-huh.</p> <p>20 (Exhibit 45 was shown to the</p> <p>21 witness.)</p> <p>22 A I see it.</p> <p>23 Q It should be an email from June 14 from</p> <p>24 Emily Brennan to "INYHQ-Opinion Web For Times."</p> <p>25 That's a group email address, correct?</p>	<p style="text-align: right;">Page 113</p> <p>1 P. Lett</p> <p>2 A Yes, I think so, because as far as I can</p> <p>3 recall, the CCI was not a URL. It was an internal</p> <p>4 program, I think. It was so long ago and so many</p> <p>5 iterations, I believe so.</p> <p>6 Q Yeah, I understand. I'm not trying to trip</p> <p>7 you up or anything, I'm just trying to figure out</p> <p>8 what it is.</p> <p>9 So -- and then what's the newsletter that's</p> <p>10 referenced there?</p> <p>11 A At the time, we only had one newsletter,</p> <p>12 which would have been called Opinion Today and was a</p> <p>13 roundup of the links of pieces that we published at</p> <p>14 the time that would go out to our readership. Based</p> <p>15 on that URL, I don't know that for sure. I'm</p> <p>16 just -- I'm making an educated guess.</p> <p>17 Q I just sent through Exhibit 47, just to</p> <p>18 see, while we're talking about that, if it comes</p> <p>19 through.</p> <p>20 A Yup.</p> <p>21 (Exhibit 47 was shown to the</p> <p>22 witness.)</p> <p>23 Q Would that be the newsletter?</p> <p>24 A Yes. This is -- I don't know if it's --</p> <p>25 referenced here, but it is the newsletter Opinion</p>



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<p style="text-align: right;">Page 114</p> <p>1 P. Lett</p> <p>2 Today.</p> <p>3 Q And that would have been what -- Exhibit 47</p> <p>4 would have been what the "newsletter" was at this</p> <p>5 time period, June 14, June 15, 2017?</p> <p>6 A This was the Opinions Only newsletter at</p> <p>7 that time.</p> <p>8 Q And what -- what was the newsletter? What</p> <p>9 was its purpose? Like, did it get sent out to</p> <p>10 readers or was it internal?</p> <p>11 A No. It was an external product. So when</p> <p>12 you become a member of The Times or submit your</p> <p>13 email address to receive a particular newsletter,</p> <p>14 there's -- there was a landing page of all the</p> <p>15 different newsletters The Times put out and you</p> <p>16 could select the ones you wanted to receive.</p> <p>17 Opinion Today was ours, and it was originally just</p> <p>18 an email, listing all of the articles that we</p> <p>19 published in a given day.</p> <p>20 Q And then who's David Leonhardt?</p> <p>21 A David Leonhardt is the creator of The</p> <p>22 Upshot column and became an Opinion columnist, I</p> <p>23 want to say early 2016, but it could have been 2015.</p> <p>24 And so, he -- in an effort to make our newsletter</p> <p>25 more interesting and less of a laundry list of</p>	<p style="text-align: right;">Page 116</p> <p>1 P. Lett</p> <p>2 involved in it. Because, again, it was not related</p> <p>3 or under the purview of the editorial board.</p> <p>4 Q Let me jump back now. I'm going to send</p> <p>5 you Exhibit 46.</p> <p>6 (Exhibit 46 was shown to the</p> <p>7 witness.)</p> <p>8 A Okay.</p> <p>9 Q Do you recognize Exhibit 46?</p> <p>10 A Not specifically, but I recognize the idea</p> <p>11 of The Times Digest.</p> <p>12 Q And what is The Times Digest?</p> <p>13 A Great question. It was an email that I</p> <p>14 received every day. What it was and where it went,</p> <p>15 I'm not sure. I believe -- again, this is not at</p> <p>16 all a very intelligent answer, but my understanding</p> <p>17 is it was the shortened version of the paper that</p> <p>18 maybe was given to nonsubscribers or something. I</p> <p>19 didn't know. I somehow got signed up for that email</p> <p>20 and it was one of the ones that I just deleted every</p> <p>21 morning when I woke up.</p> <p>22 Q Okay. You probably shouldn't have said</p> <p>23 that.</p> <p>24 A I got hundreds of thousands of these.</p> <p>25 Q Do you have any recollection of whether you</p>
<p style="text-align: right;">Page 115</p> <p>1 P. Lett</p> <p>2 things that were published, he volunteered to write</p> <p>3 sort of contextualizing those pieces.</p> <p>4 Q And did you work -- I know he was an op-ed</p> <p>5 columnist, but did you work with him at all given</p> <p>6 that he was responsible for the newsletter?</p> <p>7 A I did not work with him on the newsletter,</p> <p>8 no.</p> <p>9 Q Do you know, was there a fact checker who</p> <p>10 worked on the newsletter?</p> <p>11 A I believe that his assistant fact checked</p> <p>12 the newsletter, but I'm not entirely sure on that</p> <p>13 because it was outside the editorial board's</p> <p>14 purview.</p> <p>15 Q Do you know who his assistant was?</p> <p>16 A His assistant was Ian Prasad.</p> <p>17 Q Can you spell that?</p> <p>18 A Ian, I-A-N; Prasad, P-R-A-S-A-D. Last name</p> <p>19 is Philbrick, P-H-I-L-B-R-I-C-K.</p> <p>20 Q And Amanda is now thanking me profusely for</p> <p>21 having you spell that because, phonetically, that</p> <p>22 was a nightmare.</p> <p>23 Do you have a recollection of working on</p> <p>24 this particular newsletter, perhaps, in Exhibit 47?</p> <p>25 A No. I wouldn't have ever touched or been</p>	<p style="text-align: right;">Page 117</p> <p>1 P. Lett</p> <p>2 worked on any of the tweets that went out on June 15</p> <p>3 of 2017 concerning corrections to the "America's</p> <p>4 Lethal Politics" editorial?</p> <p>5 A I did not work on that, no.</p> <p>6 Q Do you recall at any point in time on</p> <p>7 June 15 of 2017 having any conversations with Hanna</p> <p>8 Ingber regarding the "America's Lethal Politics"</p> <p>9 editorial?</p> <p>10 A No, I did not talk to Hanna.</p> <p>11 Q And do you have any recollection of having</p> <p>12 any conversations on June 15 of 2017 with Danielle</p> <p>13 Rhoades Ha regarding the "America's Lethal Politics"</p> <p>14 editorial?</p> <p>15 A I don't have any recollection.</p> <p>16 Q The editorial was published on the day of</p> <p>17 the shooting, which was June 14 of 2017. That's a</p> <p>18 Wednesday.</p> <p>19 The following morning, Thursday the 15th,</p> <p>20 do you recall attending the editorial board meeting</p> <p>21 that morning?</p> <p>22 A I do not.</p> <p>23 Q Do you recall attending any editorial board</p> <p>24 meetings around the time of this "America's Lethal</p> <p>25 Politics" editorial where the editorial or any</p>

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<p style="text-align: right;">Page 118</p> <p>1 P. Lett</p> <p>2 errors in it were discussed?</p> <p>3 A I do not. I -- it doesn't stand out to my</p> <p>4 memory at all.</p> <p>5 Q Did you ever see any of the tweets</p> <p>6 concerning the corrections to the "America's Lethal</p> <p>7 Politics" editorial?</p> <p>8 MR. AXELROD: At what time?</p> <p>9 Q June 15, 2017, did you see them</p> <p>10 contemporaneous with when they came out?</p> <p>11 A I don't recall seeing them, but it wouldn't</p> <p>12 surprise me if I did.</p> <p>13 Q Did you follow NYT Opinion on Twitter?</p> <p>14 A Yes.</p> <p>15 Q I'm sending you Exhibit 52.</p> <p>16 A Received.</p> <p>17 (Exhibit 52 was shown to the</p> <p>18 witness.)</p> <p>19 Q Seeing this tweet, do you have any</p> <p>20 recollection of seeing it real-time on June 15 of</p> <p>21 2017?</p> <p>22 A No, it does not jog my memory in any way.</p> <p>23 Q Do you recall having any discussions with</p> <p>24 anyone about this specific tweet from June 15 of</p> <p>25 2017?</p>	<p style="text-align: right;">Page 120</p> <p>1 P. Lett</p> <p>2 would it have gone to the NYT Opinion Twitter</p> <p>3 account?</p> <p>4 MR. AXELROD: Objection to form.</p> <p>5 A Yeah, I don't know. I wasn't on the social</p> <p>6 team. I don't know what happens. I have no idea.</p> <p>7 Q At this time period, June 15 of 2017, who</p> <p>8 would have been responsible for maintaining the NYT</p> <p>9 Opinion Twitter account?</p> <p>10 A That would have been Liriel Higa, and her</p> <p>11 supervisor is Snigdha Koirala.</p> <p>12 Q You have to spell that one.</p> <p>13 A S-N-I-D-G-A [sic]. Last name Koirala,</p> <p>14 K-O-I-R-A-L-A. Yeah, I think so.</p> <p>15 But Snidgha was not responsible for the</p> <p>16 tweets. Liriel was.</p> <p>17 Q Okay.</p> <p>18 And do you recall, at any point in time, on</p> <p>19 or after -- I'm sorry.</p> <p>20 Do you recall, at any point in time on or</p> <p>21 after June 15 of 2017, there being any discussion</p> <p>22 within the editorial department about these tweets</p> <p>23 from Sarah Palin that are in Exhibit 55?</p> <p>24 MR. AXELROD: Objection to form.</p> <p>25 A I don't recall any discussion of these</p>
<p style="text-align: right;">Page 119</p> <p>1 P. Lett</p> <p>2 A I do not recall any discussions about this</p> <p>3 tweet.</p> <p>4 Q Do you recall, around the time of June 15</p> <p>5 of 2017, seeing any tweets by Sarah Palin that</p> <p>6 related to the "America's Lethal Politics"</p> <p>7 editorial?</p> <p>8 A I don't recall seeing any such tweets.</p> <p>9 Q I'm sending you now Exhibit 55.</p> <p>10 (Exhibit 55 was shown to the</p> <p>11 witness.)</p> <p>12 Q I don't need you to read through all the</p> <p>13 comments and everything. I'm just going to ask you</p> <p>14 to take a look at the tweets on the first page, the</p> <p>15 1 of 2 and 2 of 2 of Sarah Palin.</p> <p>16 Do you see those?</p> <p>17 A I do, yes.</p> <p>18 Q Looking at those, does that refresh your</p> <p>19 recollection at all as to whether or not you saw</p> <p>20 those tweets on June 15, 2017?</p> <p>21 A These are unfamiliar to me.</p> <p>22 Q The 1 of 2 tweet there where it has at NYT</p> <p>23 Opinion in red, do you know what that is?</p> <p>24 A Yes. I believe that's our handle.</p> <p>25 Q And by including the handle in that tweet,</p>	<p style="text-align: right;">Page 121</p> <p>1 P. Lett</p> <p>2 tweets.</p> <p>3 MR. VOGT: All right. Why don't we take a</p> <p>4 break there. I've just got a few more</p> <p>5 documents to go quickly through and then we</p> <p>6 should be wrapping up.</p> <p>7 Okay?</p> <p>8 MR. AXELROD: Okay.</p> <p>9 THE VIDEOGRAPHER: Off, 1:37.</p> <p>10 (Recess taken.)</p> <p>11 THE VIDEOGRAPHER: We're back on the</p> <p>12 record, 1:50.</p> <p>13 BY MR. VOGT:</p> <p>14 Q Okay.</p> <p>15 Phoebe, I'm going to just go through,</p> <p>16 now -- we can probably do this pretty quickly, but I</p> <p>17 want to go through several pieces and just see if</p> <p>18 you recognize them or came across them as part of</p> <p>19 doing some of your research for the "America's</p> <p>20 Lethal Politics" piece.</p> <p>21 So the first one is Exhibit 59. This one,</p> <p>22 actually, I wanted to ask you a different question</p> <p>23 on. Sorry about that. Let me know when it comes</p> <p>24 through.</p> <p>25 A I received it.</p>



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122 to 125

<p style="text-align: right;">Page 122</p> <p>1 P. Lett</p> <p>2 (Exhibit 59 was shown to the</p> <p>3 witness.)</p> <p>4 Q And on this, I just want to ask you, do you</p> <p>5 recall whether or not you worked on this column by</p> <p>6 Bret Stephens?</p> <p>7 A I did not work on this column.</p> <p>8 Q And take a look at Exhibit 60.</p> <p>9 A Received.</p> <p>10 (Exhibit 60 was shown to the</p> <p>11 witness.)</p> <p>12 Q And do you recall whether or not you came</p> <p>13 across this column by Mr. Blow titled "The Tuscon</p> <p>14 Witch Hunt" in doing any of the research you</p> <p>15 conducted in connection with the June 15, 2017,</p> <p>16 editorial?</p> <p>17 A I don't recall. And if I didn't send it,</p> <p>18 then I would assume that I did not, but I don't</p> <p>19 recall.</p> <p>20 Q All right. Now I'm sending you number 61.</p> <p>21 (Exhibit 61 was shown to the</p> <p>22 witness.)</p> <p>23 Q This one is a January 9, 2011, column by</p> <p>24 Ross -- is it Douthat?</p> <p>25 A Yes, you nailed it.</p>	<p style="text-align: right;">Page 124</p> <p>1 P. Lett</p> <p>2 article internally within the editorial board?</p> <p>3 MR. AXELROD: That you were present for.</p> <p>4 A Yeah, not to my recollection. I don't</p> <p>5 remember ever hearing a conversation about this</p> <p>6 report.</p> <p>7 Q Do you recall ever talking to anyone else</p> <p>8 within The New York Times about this article?</p> <p>9 A I certainly didn't come about it on my own.</p> <p>10 I don't read this publication willingly, so someone</p> <p>11 must have shared it with me and told me that it was</p> <p>12 published. But as to who or when or why, I don't</p> <p>13 recall any specific details.</p> <p>14 Q Do you recall ever talking to Eileen</p> <p>15 Lepping about this article?</p> <p>16 A I don't have a recollection of that. She</p> <p>17 could have been the person who shared it with me or</p> <p>18 showed it to me. I don't know.</p> <p>19 Q Are you, like, friends with Eileen Lepping?</p> <p>20 Like, do you all socialize outside of the office?</p> <p>21 A "Friends" is a strong word. I attended</p> <p>22 Eileen's baby shower, but that -- which was outside</p> <p>23 of the office, but that's -- other than maybe a</p> <p>24 couple of after-work drinks over the years -- by "a</p> <p>25 couple," I mean two or three -- that's the extent of</p>
<p style="text-align: right;">Page 123</p> <p>1 P. Lett</p> <p>2 Q -- entitled "United in Horror."</p> <p>3 Do you recall whether you came across this</p> <p>4 article in doing your research on June 14, 2017?</p> <p>5 A I don't recall ever reading this column.</p> <p>6 Q Have you ever worked with Mr. Douthat?</p> <p>7 A Yes. Ross is on the podcast that I help</p> <p>8 produce.</p> <p>9 Q I'm sending you number 63.</p> <p>10 A Received.</p> <p>11 (Exhibit 63 was shown to the</p> <p>12 witness.)</p> <p>13 Q This is a June 15 of 2017 column by</p> <p>14 Mr. Blow entitled "Rhetoric and Bullets."</p> <p>15 Did you work on this column at all?</p> <p>16 A No, I did not work on this column.</p> <p>17 Q All right. And I sent you Exhibit 69.</p> <p>18 A Received.</p> <p>19 (Exhibit 69 was shown to the</p> <p>20 witness.)</p> <p>21 Q Which should be a Vanity Fair article.</p> <p>22 A Received.</p> <p>23 Q Have you ever seen this article before?</p> <p>24 A I believe I read this article at the time.</p> <p>25 Q And were there any discussions about this</p>	<p style="text-align: right;">Page 125</p> <p>1 P. Lett</p> <p>2 our friendship.</p> <p>3 Q Is there anybody at work that you talk to</p> <p>4 more about, like, workplace problems that you might</p> <p>5 have or things like this article? Is there anyone</p> <p>6 that you talk to about that kind of stuff?</p> <p>7 A Things like this article, I don't know.</p> <p>8 Yeah, I don't know who I talk to about this, as I</p> <p>9 said, so...</p> <p>10 Q If you look on the second page of the</p> <p>11 article, it's the third page of the exhibit, that</p> <p>12 second paragraph, the second sentence says, "Bennet</p> <p>13 has been somewhat an activist Opinion editor and a</p> <p>14 surprisingly large amount of his activity has</p> <p>15 produced outrage even from inside the building."</p> <p>16 Are you aware of any incidents where</p> <p>17 anything that Mr. Bennet has done has caused outrage</p> <p>18 within The Times?</p> <p>19 MR. AXELROD: Objection to form.</p> <p>20 A The Quinn Norton incident referenced in</p> <p>21 this article resulted in a public town hall for the</p> <p>22 company to ask James questions about that decision.</p> <p>23 And so, you could describe that as having a reaction</p> <p>24 within the building.</p> <p>25 But outside of that meeting, I did not hear</p>

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<p style="text-align: right;">Page 126</p> <p>1 P. Lett</p> <p>2 anything.</p> <p>3 Q Did you attend that town hall?</p> <p>4 A I certainly did not attend in person. I</p> <p>5 may have streamed some of it. But I don't really</p> <p>6 remember actually the content of it.</p> <p>7 Q Do you recall, at any point in time during</p> <p>8 that town hall, the editorial concerning Sarah Palin</p> <p>9 coming up?</p> <p>10 A I don't believe -- again, I don't remember</p> <p>11 that town hall at all, so it would be unfair for me</p> <p>12 to comment on the substance of it.</p> <p>13 Q If you go down to the last paragraph on</p> <p>14 this page, there's a couple of sentences there that</p> <p>15 read, "And after the Norton fallout, some Times</p> <p>16 journalists went from skeptical consternation</p> <p>17 regarding Opinions' latest iteration to outright</p> <p>18 concern that some of Bennet's decisions were</p> <p>19 damaging the paper's credibility."</p> <p>20 Do you see that?</p> <p>21 A I do.</p> <p>22 Q Had you ever had any conversations with</p> <p>23 anyone that worked at The Times about whether or not</p> <p>24 Mr. Bennet's decisions were damaging the paper's</p> <p>25 credibility?</p>	<p style="text-align: right;">Page 128</p> <p>1 P. Lett</p> <p>2 A I do not.</p> <p>3 Q If you turn to the next page, there's a</p> <p>4 paragraph there that starts off, "This was the</p> <p>5 spirit running through a 1500-word internal memo</p> <p>6 Bennet issued on February 15th."</p> <p>7 A I see that.</p> <p>8 Q And he says, in the last sentence of that,</p> <p>9 quote from him in that paragraph says, "I'd be far</p> <p>10 sorrier if we never tested the limits."</p> <p>11 Do you see that?</p> <p>12 A I do see that.</p> <p>13 Q Was -- was Mr. Bennet, to your knowledge,</p> <p>14 testing the limits while you were working for the</p> <p>15 editorial board?</p> <p>16 MR. AXELROD: Objection to form.</p> <p>17 A I don't -- I'm not sure how to answer that.</p> <p>18 James believes -- believed that the Opinion section</p> <p>19 was there to present a -- as varied and as accurate</p> <p>20 a portrayal of the given opinions on any object --</p> <p>21 on any given subject matter. So by testing the</p> <p>22 limits, I'm not exactly sure what he meant, but I</p> <p>23 know that was his guiding philosophy.</p> <p>24 Q While you were working for the editorial</p> <p>25 board, did Mr. Bennet like to stir up controversy?</p>
<p style="text-align: right;">Page 127</p> <p>1 P. Lett</p> <p>2 A Would you mind restating the question, I'm</p> <p>3 sorry?</p> <p>4 Q Did you ever have any conversations with</p> <p>5 anyone that worked at The Times that related to</p> <p>6 whether or not decisions that Mr. Bennet was making</p> <p>7 as editor of the editorial department were adversely</p> <p>8 impacting The Times' credibility?</p> <p>9 MR. AXELROD: Objection to form.</p> <p>10 Q You can answer.</p> <p>11 A I don't recall any such conversations.</p> <p>12 Q If you turn to page 4 of 7 of the article,</p> <p>13 there is a paragraph there that says, "The</p> <p>14 P.R. crisis escalated when HuffPost got its hands on</p> <p>15 an internal-chatroom transcript about Weiss."</p> <p>16 A What paragraph is that?</p> <p>17 Q It's the third paragraph. It's page 5 of</p> <p>18 the exhibit.</p> <p>19 A Okay, sorry.</p> <p>20 Q Page 4 of 7 of the article.</p> <p>21 A Sorry. I see that paragraph, yes.</p> <p>22 Q Do you know if you were a part of that</p> <p>23 chatroom transcript?</p> <p>24 A I was not.</p> <p>25 Q Do you know who was?</p>	<p style="text-align: right;">Page 129</p> <p>1 P. Lett</p> <p>2 MR. AXELROD: Objection to form.</p> <p>3 A No. It seemed to be particularly horrible</p> <p>4 for him when it happened.</p> <p>5 Q Why is that? Why do you say that?</p> <p>6 A Because he would have to issue apologies, I</p> <p>7 think. His -- it never seemed like he wanted to do</p> <p>8 anything other than have as accurate a report as we</p> <p>9 possibly could and make the arguments that we</p> <p>10 included in that report as varied and as surprising</p> <p>11 and different as we possibly could. And so --</p> <p>12 Q You mentioned that he issued apologies.</p> <p>13 Did he not like to issue apologies?</p> <p>14 A No, no. James is very -- one thing I can</p> <p>15 say is James is very quick to take responsibility</p> <p>16 and he was always -- started -- you know, the kind</p> <p>17 of conversations around this article that might have</p> <p>18 come up, he would always start by saying, you know,</p> <p>19 "I've made a mistake and I'm personally sorry."</p> <p>20 Q Had you ever seen an instance of him</p> <p>21 apologizing to the subject of a piece where there</p> <p>22 was an error in a piece about them?</p> <p>23 MR. AXELROD: Objection to form.</p> <p>24 A I don't -- I don't think that that was</p> <p>25 practice. I'm not sure if that was even allowed --</p>

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130 to 133

Page 130	Page 132
<p>1 P. Lett</p> <p>2 I'm not sure about those sorts of decisions. It's</p> <p>3 far above my pay grade.</p> <p>4 Q The next-to-last paragraph on this page</p> <p>5 says, "Another commonly aired critique is that the</p> <p>6 op-ed page, in these emotional, polarizing times,</p> <p>7 has evinced a penchant for trolling. Writing</p> <p>8 recently on the Ringer, a sports and</p> <p>9 pop-culture-oriented Web site, Justin Charity</p> <p>10 posited that 'once-token provocations have become</p> <p>11 the paper's most widely circulated missives,</p> <p>12 diluting the impact of its other departments' work."</p> <p>13 Have you ever heard about that type of</p> <p>14 issue before?</p> <p>15 MR. AXELROD: Objection to form.</p> <p>16 Objection to form.</p> <p>17 A Heard about what?</p> <p>18 Q Had you ever heard anybody raise the</p> <p>19 critique that the op-ed page at The Times had a</p> <p>20 penchant for trolling?</p> <p>21 A That language sounds like it came from</p> <p>22 Twitter. I'm sure I've seen tweets like that, but</p> <p>23 nothing -- nothing in particular, to my mind.</p> <p>24 Q Mr. Bennet, in your experience with him,</p> <p>25 does he have a good memory?</p>	<p>1 P. Lett</p> <p>2 Responses and Objections to</p> <p>3 Plaintiff's Subpoena was marked</p> <p>4 as Lett C for identification, as</p> <p>5 of this date.)</p> <p>6 Q It should be titled Non-Party Phoebe Lett's</p> <p>7 Responses and Objections to Plaintiff's Subpoena.</p> <p>8 Is that right?</p> <p>9 A Yes, I see that.</p> <p>10 Q Have you ever seen this document before?</p> <p>11 A No.</p> <p>12 Q All right. There's a number of requests in</p> <p>13 here. If you just want to skim through it, kind of</p> <p>14 ignore the responses, just look at the requests for</p> <p>15 me.</p> <p>16 A What page might that be on?</p> <p>17 Q Like, there's -- see there's one on page 3?</p> <p>18 A I see, okay. Thank you.</p> <p>19 Should I read all of the requests?</p> <p>20 Q Well, you can skim them.</p> <p>21 The only thing I'm going to ask you is do</p> <p>22 you recall, at any point in time, searching for</p> <p>23 documents responsive to any of these requests?</p> <p>24 A I was asked to retain all communication</p> <p>25 about this subject, so I did that.</p>
Page 131	Page 133
<p>1 P. Lett</p> <p>2 A I have no idea. We are not very close.</p> <p>3 Q Does he seem intelligent?</p> <p>4 A Yes, he seems very intelligent.</p> <p>5 Q Does he seem knowledgeable in a number of</p> <p>6 areas?</p> <p>7 MR. AXELROD: Objection to form.</p> <p>8 A He seems knowledgeable.</p> <p>9 Q In your interactions with him in the</p> <p>10 editorial board meetings that you attended, did he</p> <p>11 evidence an ability to recall stories from years ago</p> <p>12 when you would be talking about various topics?</p> <p>13 MR. AXELROD: Objection to form.</p> <p>14 A I can't think of anything in particular.</p> <p>15 That's not to say he couldn't, but nothing comes to</p> <p>16 mind.</p> <p>17 Q Had you ever experienced Mr. Bennet having</p> <p>18 any difficulties remembering any facts from the</p> <p>19 past?</p> <p>20 MR. AXELROD: Objection to form.</p> <p>21 A I have no idea. I -- no, not to my memory.</p> <p>22 I don't know.</p> <p>23 Q I'm sending you what we're going to mark to</p> <p>24 your deposition as Exhibit C.</p> <p>25 (Non-Party Phoebe Lett's</p>	<p>1 P. Lett</p> <p>2 Q And what time period would that have been</p> <p>3 in?</p> <p>4 A I'm not sure. I would have to -- I would</p> <p>5 have to check my email inbox.</p> <p>6 Q Do you think, though, it was back in 2017,</p> <p>7 or do you think it was more recent?</p> <p>8 A More recent, I believe.</p> <p>9 Q Okay.</p> <p>10 And I think you said, at one point in your</p> <p>11 deposition, correct me if I'm wrong, but that you</p> <p>12 had searched for some documents and had gone through</p> <p>13 them, and that was when you realized that you had</p> <p>14 some stuff that related to this; is that right?</p> <p>15 MR. AXELROD: Objection to form.</p> <p>16 A I received the message from the lawyers</p> <p>17 asking us to retain any -- any and all documents and</p> <p>18 communication --</p> <p>19 Q I don't want to know the substance of</p> <p>20 anything that you talked to your lawyers about.</p> <p>21 MR. AXELROD: We're not going to go beyond</p> <p>22 that.</p> <p>23 MR. VOGT: Yeah, I don't, I don't -- I</p> <p>24 don't want to get into that.</p> <p>25 Q I just wanted to know whether you actually</p>

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<p style="text-align: right;">Page 134</p> <p>1 P. Lett</p> <p>2 did a search on your own for stuff, because I think</p> <p>3 I was a little bit confused by what you said</p> <p>4 earlier.</p> <p>5 Whether you did a search on your own for</p> <p>6 stuff or you just saved everything and somebody else</p> <p>7 handled it?</p> <p>8 A When I was asked to send any documentation</p> <p>9 I had, I -- that's when I committed the search.</p> <p>10 Q Okay.</p> <p>11 And everything that you found you sent to</p> <p>12 the lawyers?</p> <p>13 A Correct.</p> <p>14 Q Okay.</p> <p>15 MR. VOGT: All right. I think I'm done.</p> <p>16 Let me -- give me, like, five minutes to look</p> <p>17 through my notes and stuff, and then we'll</p> <p>18 finish up. So come back at, like, 2:20.</p> <p>19 Okay?</p> <p>20 MR. AXELROD: That's fine.</p> <p>21 THE VIDEOGRAPHER: Off the record, 2:13.</p> <p>22 (Recess taken.)</p> <p>23 THE VIDEOGRAPHER: We're back on the</p> <p>24 record, 2:19.</p> <p>25 BY MR. VOGT:</p>	<p style="text-align: right;">Page 136</p> <p>1 P. Lett</p> <p>2 from June 15.</p> <p>3 Did that go through?</p> <p>4 A Received.</p> <p>5 Q Have you ever heard Mr. Bennet make any</p> <p>6 statements to the effect that we got an important</p> <p>7 fact wrong, incorrectly linking political incitement</p> <p>8 and the 2011 shooting of Giffords?</p> <p>9 MR. AXELROD: Objection to form.</p> <p>10 A I don't recall any particular statements.</p> <p>11 Q Do you recall having any conversations or</p> <p>12 discussions with Eileen Lepping as to whether or not</p> <p>13 the "America's Lethal Politics" editorial</p> <p>14 incorrectly linked political incitement in the 2011</p> <p>15 shooting of Giffords?</p> <p>16 A I don't recall any such conversations.</p> <p>17 MR. VOGT: Okay. I think that's all the</p> <p>18 questions that I have for you.</p> <p>19 MR. AXELROD: And I have no questions for</p> <p>20 Ms. Lett.</p> <p>21 MR. VOGT: All right. Thank you very much</p> <p>22 for your time.</p> <p>23 THE VIDEOGRAPHER: Off the record, 2:22.</p> <p>24 (Time adjourned: 2:22 p.m.)</p> <p>25</p>
<p style="text-align: right;">Page 135</p> <p>1 P. Lett</p> <p>2 Q Ms. Lett, have you ever heard Mr. Bennet</p> <p>3 ever make any statements about this lawsuit?</p> <p>4 A No, I have not.</p> <p>5 Q Have you ever heard Mr. Bennet ever make</p> <p>6 any statements about Sarah Palin?</p> <p>7 A No, I have not.</p> <p>8 Q Have you ever heard Mr. Bennet make any</p> <p>9 statements concerning the editorial "America's</p> <p>10 Lethal Politics"?</p> <p>11 MR. AXELROD: And actually, I just want to</p> <p>12 jump in and say, Ms. Lett, you can answer all</p> <p>13 of these questions, but don't answer them if</p> <p>14 they were in the -- if you heard them in the</p> <p>15 presence of attorneys, if that makes sense.</p> <p>16 A No, not to my knowledge; I have not.</p> <p>17 Q Have you ever heard Mr. Bennet make any</p> <p>18 statements concerning whether there was a link</p> <p>19 between a map circulated by Sarah Palin's political</p> <p>20 action committee and the shooting of Gabrielle</p> <p>21 Giffords?</p> <p>22 A I don't recall any statements like that.</p> <p>23 Q I'm going to show you again -- I'm going to</p> <p>24 send it so you don't have to go back and look for</p> <p>25 it -- Exhibit 52, which is the NYT Opinion tweet</p>	<p style="text-align: right;">Page 137</p> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3</p> <p>4 I, AMANDA McCREDO, a Shorthand Reporter</p> <p>5 and Notary Public of the State of New York, do</p> <p>6 hereby certify:</p> <p>7 That the witness whose examination is</p> <p>8 hereinbefore set forth was duly sworn, and that</p> <p>9 such examination is a true record of the</p> <p>10 testimony given by such witness.</p> <p>11 I further certify that I am not related to any</p> <p>12 of the parties to this action by blood or</p> <p>13 marriage, and that I am in no way interested in</p> <p>14 the outcome of this matter.</p> <p>15</p> <p>16</p> <p>17</p> <p>18 AMANDA McCREDO</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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138 to 139

Page 138

1  
2 ERRATA SHEET FOR THE TRANSCRIPT OF:  
3 Case Name: Sarah Palin v. The New York  
Times  
4  
5 Dep. Date: May 4, 2020  
6  
7 Deponent: Phoebe Lett  
8  
9 CORRECTIONS:  
10  
11 Pg. Ln. Now Reads Should Read Reason  
12  
13  
14  
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16  
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19  
20  
21 Signature of Deponent  
22  
23 SUBSCRIBED AND SWORN BEFORE ME  
24 THIS\_\_DAY OF\_\_\_\_\_, 20\_\_  
25  
(Notary Public) MY COMMISSION EXPIRES:\_\_\_\_\_

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1  
2 ACKNOWLEDGMENT OF DEPONENT  
3 I, \_\_\_\_\_, do hereby  
4 certify that I have read the foregoing  
5 pages, and that the same is a correct  
6 transcription of the answers given by me  
7 to the questions therein propounded,  
8 except for the corrections or changes in  
9 form or substance, if any, noted in the  
10 attached Errata Sheet.  
11  
12  
13  
14  
15 PHOEBE LETT  
16  
17 Subscribed and sworn to  
18 before me on this\_\_\_\_ day  
19 of \_\_\_\_\_, \_\_\_\_\_.  
20  
21  
22  
23  
24  
25 Notary Public